UNIVERSITY OF TORONTO
3 1761 00499838 1

Pres by
#2.25 — Mr Wallace

UNIVERSITY OF TORONTO
VELUT ARBOR ÆVO

Presented to
The Library
of the
University of Toronto
by
W. S. Wallace Esq.

U.C.

I

A

HISTORICAL GEOGRAPHY
OF THE
BRITISH DOMINIONS

Colonies.

VOL. V

CANADA

PART II

THE HISTORY FROM 1763–1921

BY

HUGH E.dward EGERTON, M.A.
FELLOW OF ALL SOULS COLLEGE
BEIT PROFESSOR OF COLONIAL HISTORY
IN THE UNIVERSITY OF OXFORD

THIRD EDITION

182285.
9.7.23

OXFORD
AT THE CLARENDON PRESS
1923

OXFORD UNIVERSITY PRESS
London Edinburgh Glasgow Copenhagen
New York Toronto Melbourne Cape Town
Bombay Calcutta Madras Shanghai
HUMPHREY MILFORD
Publisher to the University

F
5054
E35
1923
cp.6

Printed in England

PREFACE

WHEN Sir Charles Lucas came to the conclusion, from which others as well as myself vainly endeavoured to dissuade him, that he was unable himself to finish his series of volumes on 'the Historical Geography of the British Colonies', he asked me to undertake the volume dealing with Canada under British rule. Whatever be meant by historical geography—and I should myself describe the series as histories, laying especial stress on geographical considerations—the practice has been in some, at least, of the previous volumes to separate the purely historical from the geographical portions of the work. In these circumstances I undertook the historical portion, leaving to the competent hands of Mr. J. D. Rogers the task of dealing with the geography. An English writer cannot but approach with diffidence ground which could better be covered by many of the distinguished living Canadian historians. No country perhaps gives its own history more systematic and organized treatment than does Canada. The work of the Dominion Archivist, Mr. A. G. Doughty, C.M.G., and the annual *Review of Historical Publications relating to Canada*, edited by Professor Wrong and Mr. H. H. Langton, are conspicuous proofs of what is being accomplished. In spite, however, of the numerous histories of Canada, there is no book, I think, which deals with the subject from quite the same point of view as is here attempted; and in one or two cases recent research has thrown light on questions, which has not been hitherto made use of in popular histories. It must be remembered that this series is intended primarily for the advanced classes of secondary schools; but, so far as possible, recourse has been had to first-hand authorities. I have to express my most hearty thanks to my colleague, Mr. W. L. Grant, who has read my manuscript and proofs, and assisted me with valuable suggestions and advice. I have also to express my thanks to the librarian of the Royal Colonial Institute for the loan of books from that invaluable library.

HUGH E. EGERTON.

OXFORD,
May, 1908.

PREFACE TO THIRD EDITION

The necessity for reprinting the volume has given the opportunity for dealing with the leading events of the recent history in a supplementary chapter. The extension of the boundaries of Manitoba, Ontario, and Quebec is shown in a note to the map on p. 326. In no other way has the text of the last edition been altered.

H. E. E.

OXFORD,
April, 1922.

CONTENTS

BOOK I

THE SEPARATE PROVINCES

PAGE
CHAP. I. British Rule to the Quebec Act . . 1
II. The American Invasion and Boundary Question 19
III. The Constitutional Act of 1791 . . 42
IV. Lower Canada between 1792 and 1812 . 57
V. Upper Canada to the War of 1812 . . 73
VI. The Beginning of Manitoba . . . 79
VII. The War of 1812 86
VIII. The Lower Canadian Assembly and the British Government 102
IX. The Eve of the Crisis 113
X. Upper Canada from 1815 to 1837 . . 124
XI. The Rebellion of 1837 137
XII. Lord Durham's Report 145
XIII. The Maritime Provinces 154

BOOK II

THE UNION

CHAP. I. The Passing of the Union Act . . . 163
II. Responsible Government in the Maritime Provinces 186
III. Lord Elgin's Administration . . . 191
IV. The Advent of Liberal-Conservatism . 205
V. The Breakdown of Party Government . 213

PAGE
CHAP. VI. FEDERATION 227
VII. THE DEVELOPMENT OF THE WEST . . 249

BOOK III

THE DOMINION

CHAP. I. RELATIONS WITH UNITED STATES . . 275
II. THE CANADIAN PACIFIC RAILWAY . . 286
III. INTERNAL POLITICS 298
IV. STRUGGLE BETWEEN CENTRAL AND PROVINCIAL AUTHORITIES 314
V. THE DOMINION OF TO-DAY 328
VI. THE DOMINION OF TO-DAY (*continued*) . 344

APPENDIX

BRITISH GOVERNORS OF CANADA 365
LIEUTENANT-GOVERNORS OF UPPER CANADA . . . 365
GOVERNORS-GENERAL OF THE DOMINION OF CANADA . 366
PREMIERS SINCE CONFEDERATION 366
LEADING DATES IN CANADIAN HISTORY SUBSEQUENT TO BRITISH CONQUEST 366

INDEX 368

LIST OF MAPS

PAGE
1. Canada under the Proclamation of 1763 5
2. Canada under the Quebec Act 14
3. The Maine Boundary 33
4. Upper and Lower Canada under Constitutional Act . 51
5. Map to illustrate the War of 1812 93
6. Map to illustrate the War of 1812 97
7. The Oregon Boundary and Western Development . 251
8. The Dominion of Canada 326
9. Railways in 1887 and 1907 327
10. The Alaska Boundary 337

HISTORY OF CANADA

PART II

Book I

THE SEPARATE PROVINCES

CHAPTER I

BRITISH RULE TO THE QUEBEC ACT

Influence of geography on history modified by discoveries of science.

In the preceding volume of this history the close connexion between the history and the geography of French Canada has been emphasized. The St. Lawrence was the dominant factor in its economic and social development. The Mississippi had formed the channel by which Canada and Louisiana could meet. Through the Hudson and Lake Champlain the way had been opened between Canada and the English colonies. With the advance of civilization, however, man learns how to resist and finally control the natural forces which have hitherto governed him. The effects of distance are minimized by means of railroads and steamboats, mountains are tunnelled, river courses are deepened, and canals avoid the risks of rapids. By these means vast tracts of territory can be held together under a common government, and disintegrating forces, which a hundred years ago would have worked unchecked, are successfully arrested. In this state of things geography plays a less commanding part in the making of history.

The expansion of British North America presents points both of resemblance to, and of contrast with, that of its great southern neighbour. In both cases the expansion has been

Resemblance and contrast between British and American expansion.

from the east to the west. In both, new communities have altered the balance previously prevailing. Just as the northern and southern states find themselves outnumbered by new states, which have arisen in the west, so the two Canadas and the maritime provinces have to recognize that the pivot of power will, as the years pass by, be more and more found in the new western provinces whose population is so rapidly advancing.

Between the expansion, however, of the United States and that of British North America, there is this distinction, that whereas the United States, from whatever sources its units may have been derived, present, as a whole, the front of a homogeneous English-speaking community, except so far as the large negro settlement in the south complicates the question, in British North America there has been little blending of the separate channels of race, and French Canada remains for all purposes, except those of political allegiance, as distinct from the British provinces as it was at the date of the conquest. At the time of the conquest by Great Britain, Canada, it must be remembered, consisted, so far as population was concerned, of only a small portion of the present province of Quebec. A few forts were held beyond to preserve the communication with the west, but there was practically no French population west of the Ottawa river.

Period of military rule.

After the conquest, General Amherst was the nominal Governor-in-Chief, but the government was administered by three Lieutenant-Governors, Murray, Gage, and Burton, at Quebec, Montreal, and Three Rivers. French-Canadian historians in the first half of the nineteenth century sought to find proofs of injustice in the annals of this period of arbitrary rule, but impartial inquirers have recognized the justice of the claim advanced by Gage in a letter to Amherst in 1762.[1] 'I feel the highest satisfaction that I am able to inform you that during my command in this Government I have made it my constant care and attention that the

---

[1] Report of March 20.

Canadians should be treated agreeable to his Majesty's kind and humane intentions. No invasion on their properties or insult on their persons have gone unpunished; all reproaches on their subjection by the fate of arms, revilings on their customs or country, and all reflections on their religion have been discountenanced and forbid. No distinction has been made betwixt the Briton and Canadian, but equally regarded as subjects of the same prince. The soldiers live peaceably with the inhabitants, and they reciprocally acquire an affection for each other.'

Character of people.

The Canadian people, some sixty-five thousand in number, made a very favourable impression on their first English rulers. They were a frugal, industrious, and moral race, jealous of their religion. They were, however, very ignorant; it had been the policy of the French Government to keep them so. Very few could read, and there had been no printing press in Canada before the British occupation. The gentry were for the most part poor and somewhat vain, holding trade in contempt. The common people stood in the relation of tenants to the seigniors, whom they were accustomed to respect and obey. Although the tenants did not hold by military service, their lords could call upon them for such in case of need. Thus lord and tenant had shared in common the dangers of the field, and the general calamities of their country had but served to increase their mutual affection. The influence of the clergy was still great, though after the conquest there appeared a tendency to avoid the payment of tithes. Writing some years later, a traveller described the common people as indolent and attached to ancient prejudices. Limiting their exertions to an acquisition of the necessaries of life, they neglected its conveniences. Indolence kept them poor, but, as their wants were few, they remained happy. He noted that their address to strangers was more polite and unembarrassed than that of any other peasantry in the world.[1]

---

[1] *Travels through the Canadas*, by G. Heriot. London, 1807.

Military rule and the English population.

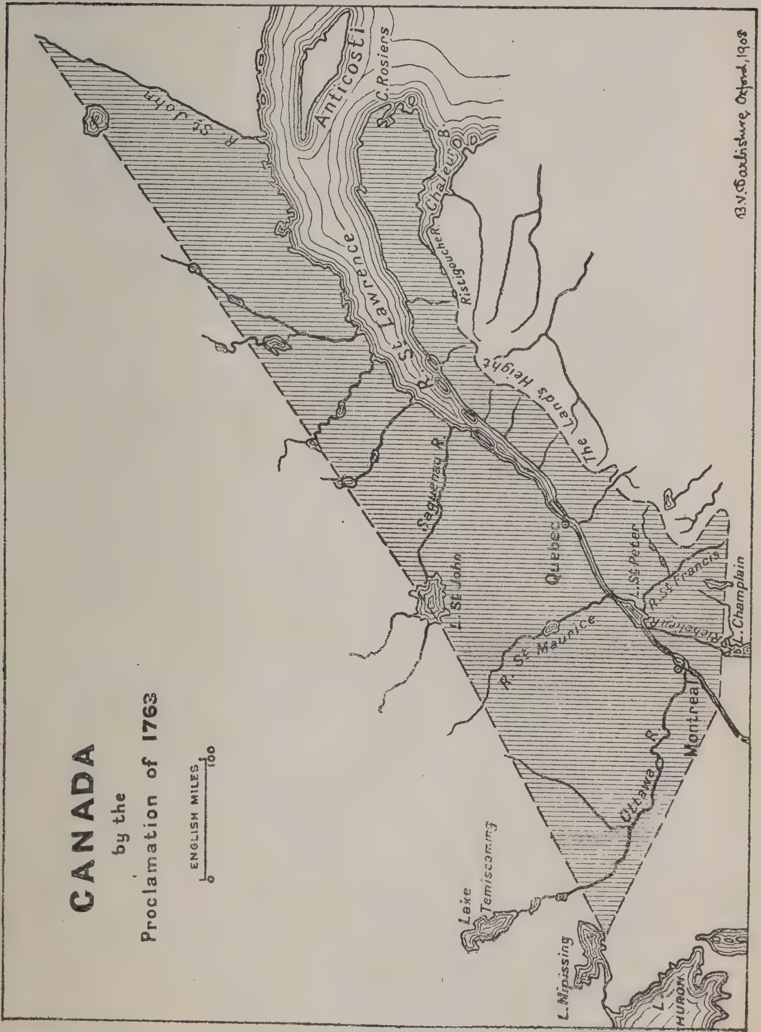
Such being the material to deal with, the military rule which prevailed from the conquest till 1764 proved successful. The personal relations between rulers and ruled were very friendly, and the law administered was, in the main, the French Civil Law. In addition, however, to the French inhabitants there was a small English population which proved a continual thorn in the side of the British Governors. According to Murray most of them were followers of the army, of mean education, or soldiers disbanded at the reduction of the troops. 'All have their fortunes to make, and, I fear, few of them are solicitous about the means when the end can be obtained.'

Treaty of Paris.

By the Treaty of Paris, signed February 10, 1763, France, besides renouncing all pretensions to Nova Scotia or Acadia, ceded and guaranteed to Great Britain Canada with all its dependencies, including Cape Breton. The liberty of the Catholic religion was guaranteed to the people of Canada; the undertaking being made that the most effectual orders would be given to secure to the new Roman Catholic subjects the exercise of their religion as far as the laws of Great Britain allowed. (It was afterwards pointed out by the shrewd Maseres how equivocal was the above language.) It was held by some that the retention of Canada after the peace was from one point of view a mistake, in that it removed the one check to American aspirations after independence. But, unless the spirit of the British rule had been radically altered, it is very doubtful how long, even though Canada had remained French, the permanence of British ascendancy over the American colonies could have been secured. It is possible that as these colonies grew in strength and population they might themselves have conquered French Canada. The old colonial empire need not have been rendered much more permanent by a short-sighted policy which should have preferred Guadeloupe to Canada.

Proclamation of October 7, 1763.

The first act of the British Government after the peace was to issue a Proclamation, on October 7, 1763, dividing the new


CANADA
by the
Proclamation of 1763
ENGLISH MILES
0
100
R. St John
Anticosti
C. Rosiers
Chaleur B.
Ristigouche R.
R. St Lawrence
The Lands Height
Saguenay R.
L. St John
Quebec
L. St Peter
R. St Francis
Richelieu R.
L. Champlain
R. St Maurice
Montreal
Ottawa R.
Lake Temiscaming
L. Nipissing
L. HURON
B. V. Darbishire Oxford, 1908

Three Rivers at mouth of St. Maurice R.

From a map of 1776 in the Colonial Office Library.

American acquisitions into four separate and distinct provinces, Quebec, East Florida, West Florida, and, in the West Indies, Grenada. The province of Quebec was bounded on the Labrador coast by the river St. John. From thence the boundary ran from a line drawn from the head of that river through Lake St. John to the south end of Lake Nipissing. The boundary from this point, crossing the river St. Lawrence and the Lake Champlain in forty-five degrees of north latitude, passed along the high lands which divided the rivers that fell into the St. Lawrence from those that fell into the sea. Thence it passed along the north coast of the Bay des Chaleurs and the coast of the Gulf of St. Lawrence to Cape Rosiers. From thence it crossed to the north side of the river St. Lawrence by the west end of the island of Anticosti and again met the river St. John. Already at this time the Secretary of State, Lord Egremont, was in favour of including within the limits of Canada the Indian reserves to the west of the American provinces, but the Board of Trade, under Lord Hillsborough, made strong objections, and Egremont's successor, Lord Halifax, deferred to their representations.

Question of General Assembly.

The Governors of the new colonies were given power and direction, as soon as circumstances would admit, to summon General Assemblies similar to those existing in the American colonies. Meanwhile all persons dwelling in or resorting to the new colonies were promised the enjoyment of the benefit of the laws of England. The promise was made of the establishment of regular Courts of Judicature, in which causes both civil and criminal might be determined according to law and equity, and, so far as possible, to the laws of England.

The announcement of the intention to call a General Assembly was expressly made on the ground that it would give confidence and encouragement to people to settle in Canada. But the task of giving effect to such promise proved very difficult. Murray, who had been left in command of Quebec after its surrender, was formally appointed

Murray's opinion of English settlers.

Governor of the new province in November 1763. Murray, as has been shown, was very hostile to the British settlers. Magistrates, he complained, had to be appointed and juries to be composed 'from four hundred and fifty contemptible sutlers and traders'.[1] Nothing, he asserted, would content the 'licentious fanatics' trading in Canada but the expulsion of the Canadians.[2] Such men were little calculated to make the new subjects enamoured with English laws, religion, or customs, much less to be raised to the position of rulers. The Canadian noblesse, Murray asserted, were hated because their birth and behaviour entitled them to respect, and the peasants were abhorred because they had been saved from the oppression they had been threatened with. Murray, against whom complaints had been made to the home Government by the British section of the population, gloried in having been accused of warmth and firmness in protecting the Crown's Canadian subjects, and in doing the utmost in his power to gain to the King the affections of that brave and hardy people.[3]

Murray's difficulties and recall.

Murray was further troubled by the conduct of his subordinate Burton, who, on Gage becoming Commander-in-Chief at New York, had been moved to Montreal, and, on the ground of his military rank, questioned Murray's authority. Disputes between the soldiers and the English residents at Montreal were fermented by one Walker, whom Benjamin Franklin some years later recognized as having, along with his wife, an excellent talent in making themselves enemies, '. . . live where they will, they will never be long without them.' The treatment of Walker by some of the officers and the subsequent legal proceedings bulk large in the official records; undoubtedly they caused much worry to the British Governor. Murray, who rightly or wrongly had given great offence to the English, was recalled in 1766; but fortunately his successor, Guy Carleton, proved equally acceptable to the French inhabitants.

---

[1] Letter to Lord Shelburne, of August 20, 1766.

[2] Report to Board of Trade, of October 29, 1764.

[3] Letter of August 20, 1766.

Uncertainty of situation.

Excellent as had been both the intentions and the practice of the British administrators, a note of uncertainty still prevailed with regard to the future of Canada. Apart from the question of the establishment of a popular Assembly, which remained in abeyance in spite of the opinion of the Board of Trade in 1765 (September 2) that such an Assembly might be constituted, the electors to be Roman Catholics and the representatives Protestants, two questions above all called for settlement; the question of the future *status* in the colony of the Catholic Church, and that of the law which should be administered.

Status of Roman Catholic Church.

With regard to the first, the liberty to practise their religion had been given to the Canadians both at the time of the capitulations of Quebec and Montreal, and again by the final treaty of peace. Nothing, however, had been said with regard to what provision would be made for the Roman Catholic religion in the future. Would the English tolerate the institution of a Catholic bishop, and if not, how was the continuity of the priesthood to be secured? The British Government was unwilling to have the matter discussed in Parliament, and preferred to give an informal recognition to Monseigneur Briand, who had been consecrated Bishop of Quebec in Paris in March, 1766. The position of the Roman Catholic Church was not settled till the Quebec Act, under which the clergy of that Church were to hold, receive, and enjoy their accustomed dues and rights, exemption being given from such payments to those who were not Roman Catholics.

Question of form of law.

The question of the form of law to be administered in Canada was one of great difficulty. Three courses were possible. The English law might have been substituted in its entirety for the French. The French law might have been restored throughout; or, lastly, a fusion might have been made of all that was best in either system. At first the intention appeared to be to adopt the first course.[1] The Proclamation of 1763 seemed to contemplate the abolition of the Canadian usages and customs 'with the rough hand of a conqueror rather than in the true spirit of a lawful sovereign '.[1]

---

[1] Ordinance of September 17, 1764.

The new subjects, as the French Canadians were termed, however, remained generally in ignorance that the legal system had been altered, and lands continued to be divided as formerly and the estates of intestates to be distributed according to French law. At the same time, when it worked in their favour, the Canadians were acute enough to take advantage of the English law. Such being the state of affairs, the English law officers advised in 1766 that in all personal actions founded upon contract or tort, the substantial maxims of law, which are everywhere the same, should be followed. In suits or actions relating to titles of land, and generally where questions of real property were concerned, they advised that the local customs and usages should prevail.[2]

Different opinions on form of law.

The task, however, of evolving a convenient and equitable code by means of blending the English with the French laws proved too difficult, and the practical alternative lay between the English and French systems. The admission in 1766 of French Canadian jurors, and the permission at the same time given to advocates to plead in French, remedied one main grievance; and in the following year an enactment of Carleton confirming the French laws and customs concerning the tenure, inheritance, and alienation of land further improved the position of the French; but far more was required to put things on a permanent basis. With regard to one point there was general agreement. The English criminal law was recognized to have the advantage both in certainty and lenity, and there was practically no opposition to its enforcement. But with regard to the law relating to property and contract there was great difference of opinion. Maseres, who was Attorney-General under Carleton, reported strongly against the re-establishment of the whole body of the French law, on the ground that it would involve a reversal of the original intention to assimilate the position of Canada to that of the other British provinces. Maseres was of Huguenot descent, and was to some extent biased by Protestant prejudices. Carleton, on the other hand, was strongly in favour of recognizing the French law on the broad general ground that by every means possible the French Canadians should be made to feel that it was to their interest to remain British subjects.

---

[1] Report of Attorney-General E. Thurlow, of January 22, 1773.

[2] Report of Attorney-General Yorke and Solicitor-General de Grey, of April 14, 1766.

Quebec Act.

Carleton returned home in 1770 and played a great part in the negotiations which resulted in the Quebec Act of 1774. Under that Act, in all matters of controversy relative to property and civil rights, resort must be made to the laws of Canada. This provision, however, was not to apply to lands granted by the Crown in the English tenure of 'free and common socage', and liberty was given to leave property by will in the forms recognized by either the French or English system of laws. With regard to the criminal law, the English law was to remain in force.

Reasons for refusing an Assembly.

The passage of the Quebec Act involved for the time being the renunciation of the idea that the constitution of Canada should be assimilated to that of the American colonies. As late as 1769[1] the Board of Trade had advised that a means might be found of reconciling rival interests by the establishment of a General Assembly, fourteen of the representatives to be Protestants, chosen from Quebec, Montreal and Three Rivers, and thirteen, if preferred, Roman Catholics, chosen from the country districts. One object of establishing an Assembly was the provision of a revenue, but as relations with the American colonies grew more strained, the arguments in favour of an Assembly may well have seemed less strong. Moreover, the intention had been to secure by this means an immigration of

[1] Report of June 10, 1769.

English settlers from England and the American provinces; but such immigration showed no signs of taking place. In any case the difficulties in the way were great. To put Roman Catholics and Protestants on an equal footing was to run counter to the religious prejudices of two centuries. But if the English Acts against Catholics were to apply, the result would ensure that a minority of some four hundred would lord it over a population of some seventy thousand. The English settlers, accustomed to the view that Irish Catholics stood on the footing of negroes, had at first no misgivings. The petition, which demanded Murray's recall, claimed the establishment of an Assembly 'as in the other provinces, there being a number more than sufficient of loyal and well-affected Protestants . . . to form the House'. With great condescension the new subjects were to be allowed to elect Protestants 'without burdening them with such oaths as in their present mode of thinking they cannot conscientiously take'. The popularity of Carleton for a time kept in check the demand for an Assembly, but, in 1773, when he was in England, the question again came to the fore. This time an attempt was made to secure the adhesion to the movement of the French Canadians. In consequence the Protestant character of the Assembly was no longer insisted upon. The vague demand was made that the Assembly should be constituted 'as to your majesty in your royal wisdom shall seem best adapted to secure its peace, welfare, and good government'. The French Canadians, however, were distrustful of their new friends, and, with few exceptions, stood aloof from the movement.

Attitude of English minority.

Carleton, who distrusted the English settlers and desired that the French Canadians should be dealt with according to their own notions, brought the weight of his influence to bear in favour of the solution given by the Quebec Act. Under this, it being 'at present inexpedient to call an Assembly', a Council was constituted for the affairs of the province, to

Council under Quebec Act.

consist of not more than twenty-three nor less than seventeen members; such Council to have the power to make ordinances for the province. This power, however, did not extend to the levying of taxes or duties, except of such local rates as were required for purely local purposes. No ordinance touching religion, or which constituted a greater punishment than fine or three months' imprisonment, might take effect until it had received the sanction of the home authorities.

Case for Quebec Act.

The provisions of the Quebec Act were considered in the American colonies to be part of a deep-laid scheme against popular liberties, and this view has received some countenance from later American historians. It must be confessed that in 1774 the British Government did not regard with much favour popular Assemblies; and there was a natural inclination to prefer the simple, primitive, new subjects to the self-assertive and critical colonials. Still, there is ample evidence to show that the Act was really considered from the point of view of Canadian interests, nor from such standpoint should it be harshly criticized. It was indeed afterwards maintained that the Act was a political mistake in that it stereotyped the French nationality. It is possible that at this early date something might have been done in the way of anglicizing the people by means of free education taught by English Roman Catholics. But with the experience of the past behind us we may say that attempts at eradicating the French nationality would probably have failed, in which case the political disaffection of subsequent years would have taken a more dangerous character and caused the estrangement of the clergy and the upper classes no less than of the common people. Be this as it may, the numerous drafts of the Bill which have come down to us show that its clauses were the subject of anxious consideration and thought.

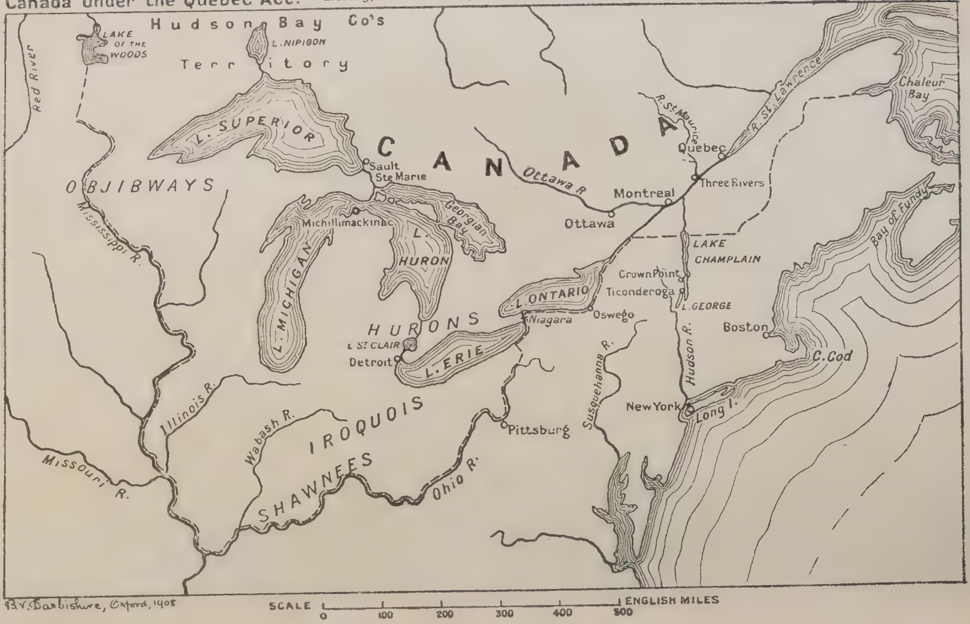
Objections to Assembly.

Granted that prima facie representative government is a blessing, political philosophy has taught us that institutions are not good or bad in the abstract, but that their goodness or badness depends upon, and can only be judged by, the circumstances in which they are found. A so-called popular Assembly in 1774 would either have supplied an exaggerated edition of the state of things which came about after more than twenty years' apprenticeship in the art of government, or else it would have meant the dominance of a narrow, Protestant minority, as hostile to the real interests of their fellow subjects as they were prejudiced against the British Government. Upon another ground, however, the provisions of the Act were open to serious criticism. In spite of the protest of Lord Hillsborough, who took up the same line which he had successfully adopted when President of the Board of Trade, the British Ministry determined to include within the limits of Quebec the whole country to the westward. The original intention had been to place the whole western country under one general control and government by Act of Parliament; but nothing had been done in this direction. It was affirmed that the trade and prosperity of Quebec had suffered from the separation of the upper Indian trading-posts, which were a survival of the French régime, of Lake Champlain and the coast of Labrador from Canada. In the Quebec Act the whole derelict country to the west was placed under the government of Quebec with the avowed purpose of excluding all further settlement there, and of establishing uniform regulations for the Indian trade. Under the Proclamation of 1763 an honest attempt had been made to safeguard the interests of the Indians. Stricter regulations were made to secure to them their reserves. Not only was settlement therein strictly forbidden, but all persons who had, wilfully or inadvertently, seated themselves in such reserves were required forthwith to depart. The prohibited country included all lands beyond the heads or sources of any of the rivers which fell into the Atlantic Ocean, from the west or north-west. No purchase of lands from Indians would be

American West included in Quebec.

Canada under the Quebec Act.

From a map in the Colonial Office Library, and the text of the Act.


Hudson Bay Co's Territory
LAKE OF THE WOODS
L. NIPIGON
Red River
L. SUPERIOR
Sault Ste Marie
CANADA
Ottawa R.
R. St Maurice
Quebec
R. St Lawrence
Chaleur Bay
Three Rivers
Montreal
Ottawa
OBJIBWAYS
Mississippi R.
Michillimackinac
Georgian Bay
L. HURON
L. MICHIGAN
HURONS
L. ST CLAIR
Detroit
L. ERIE
L. ONTARIO
Niagara
Oswego
LAKE CHAMPLAIN
Crown Point
Ticonderoga
L. GEORGE
Hudson R.
Boston
C. Cod
Bay of Fundy
New York
Long I.
Susquehanna R.
Pittsburg
Illinois R.
Wabash R.
IROQUOIS
SHAWNEES
Ohio R.
Missouri R.
B.V. Darbishire, Oxford, 1908
SCALE
0
100
200
300
400
500
ENGLISH MILES

recognized unless made by the provincial Governor himself at a public assembly of the Indians. The terms of the Proclamation only carried out undertakings which had been made with the Indians by the Treaty of Easton in 1758, under which Great Britain engaged that no settlements should be made in the lands beyond the Alleghany Mountains. On moral and legal grounds, then, the policy might be defended, but it was one impossible to enforce. Already there was beginning that natural expansion which in time was to people the continent as far as the Pacific. The decision to deprive the colonies of their natural *hinterlands* and to confine them within definite boundaries called forth a torrent of indignation. The boundary of Quebec, as defined by the Act, ran along the eastern and south-eastern bank of Lake Erie. It followed this bank to a point where it should be intersected by the northern boundary granted by the Charter of Pennsylvania. From thence it followed this northern and north-western boundary till it struck the river Ohio. In case such intersection was found not to take place, then the boundary followed the bank already mentioned till it arrived at the point which should be nearest to the north-west angle of the province of Pennsylvania. Having reached this point the boundary ran by a direct line to this angle, and thence along the western boundary of Pennsylvania till it struck the Ohio. Thence it ran along the bank of the Ohio westward to the Mississippi, and northward to the southern boundary of the territory of the Hudson's Bay Company. Labrador was at the same time reunited to Canada. The mother-country had poured forth blood and treasure in the winning of the new territory, and so far as the Indian war of Pontiac (1763–5) was concerned, the co-operation of the colonists had been of little value. A new English province might have been carved out in the west without giving much ground for moral objection, though the practical difficulties in the way would almost certainly have proved insuperable. The attempt,

New boundary of Quebec.

however, to close the natural expansion ground of the old colonies by attaching it to a province, which was both French and Roman Catholic, was practically just as hopeless, while on sentimental grounds it was much more objectionable.

Character of British officials.

Moreover the Government of Quebec had enough to do in minding its own business. Painstaking and deliberate as had been upon the whole the action of the British home Government, it was not sufficiently careful in choosing the instruments of authority. Murray complained bitterly to Shelburne, in August, 1766, of the character of the officials sent out. According to him, the judge pitched upon to conciliate the minds of seventy-five thousand foreigners to the laws and government of Great Britain had just emerged from a debtors' prison. He was entirely ignorant of the civil law and of the French language. Important offices were freely granted to men of influence in England, who let them out to the best bidders, regardless of the fact whether or not they knew a word of French. As no salary was annexed to these offices their value depended on fees, the amount of which was regulated by those prevailing in the richest colonies. It would certainly seem that grave abuses in the administration of the law arose from the conduct of the English magistrates. It had become the practice for blank forms signed by magistrates to be placed in the hands of bailiffs to be filled up as occasion might require. The Bench was largely made up of men who had failed in business and who repaired their broken fortunes at the expense of the people. To remedy this grievance Carleton enacted an ordinance in 1770 which took away the power of the magistrates in cases affecting property. Suits for small sums were from this time heard in the Court of Common Pleas, and an independent Court was set on foot at Montreal. This measure was greatly resented by those whom Carleton described as 'cantonning upon the country and riding the people with despotic sway'. These men turned to their own profit the fines which they imposed, and in a manner looked upon themselves as the legislators of the province. Again and again Carleton warned the home Government of the perilous nature of the situation. Why, he asked bitterly, in November, 1767, should the French seigniors be 'active in the defence of a people that has deprived them of their honours, privileges, profits, and laws, and in their stead have introduced much expense, chichanery and confusion, with a deluge of new laws unknown and unpublished'. 'We have done nothing,' he wrote in the following year, 'to gain one man in the province by making it his private interest to remain the King's subject.' The Secretary of State recognized 'both the propriety and necessity of extending to that brave and faithful people a reasonable participation in those establishments which are to form the basis of the future government of Quebec', but English prejudice forbade that the most practical of Carleton's suggestions should be followed and commissions in the army be given to the French Canadians. The Quebec Act remedied certain religious and legal grievances, but it by no means supplied a solution to all the problems of government.

Carleton's warnings to British Government.

AUTHORITIES

The State Papers between 1761 and 1790 are calendared in Brymners' *Report on the Canadian Archives*, 1889.

Canadian Archives.

Documents relating to the Constitutional History of Canada, 1759–91, edited by A. Shortt and A. G. Doughty, the Dominion Archivist, 1907, form an invaluable collection of historical material admirably edited. Murray's Report of August 20, 1766, is set out in Kingsford's *History of Canada*, vol. v, p. 188.

The best authority on the period of military rule is *Règne militaire au Canada . . . du* 8 *septembre* 1760 *au* 10 *août* 1764. *Mémoire de la Société historique du Montréal*, Montreal, 1872.

On the views of the English minority consult the works of F. Maseres. Among them are:

Account of the Proceedings of the British and other Protestant Inhabitants of the Province of Quebec . . . in order to obtain a House of Assembly. London, 1775.

Additional Papers concerning . . . Quebec. London, 1776. *Canadian Freeholder; . . . Dialogues between an Englishman and a Frenchman.* London, 1777–79. 3 vols.

On the Walker affair, General Murray's recall, and French noblesse in Canada after 1760, consult the *Report concerning Canadian Archives for* 1888.

The Quebec Act is printed with notes in *Documents illustrative of the Canadian Constitution*, edited by W. Houston. Toronto, 1891.

Sir H. Cavendish's *Debates of the House of Commons on Bill for making more effectual Provision for the Government of Quebec*, London, 1839, is a scarce book, but extracts are given in *Canadian Constitutional Development*, edited by H. E. Egerton and W. L. Grant. London, 1907.

The introductory chapter of Christie's *History of Lower Canada* from 1792 to the Union has extracts from opinions of Thurlow and Wedderburn, which were not found elsewhere till reprinted by Shortt and Doughty, *op. cit.* The original reports are missing. Generally for this and the following chapters till the Union Kingsford's elaborate *History of Canada*, in 10 vols., of which more than five are taken up with the English régime, contains a mass of information, not very clearly arranged, and sometimes not altogether accurate in matters of detail.

Histoire du Canada, par F. X. Garneau, Montreal, 1882, vol. iii, Book xi, ch. i, deals with the subject of this chapter. Garneau is eloquent and trustworthy as to facts, but writes with strong anti-English bias.

See also *The Mississippi Valley in British Politics*, by C. W. Alvord. 2 vols. Cleveland, U.S.A., 1917.

CHAPTER II

THE AMERICAN INVASION AND BOUNDARY QUESTION

American invasion of Canada.

Before the Quebec Act could be given a fair trial, and when Carleton was hardly again in touch with Canadian affairs after his long stay in England, the crisis occurred which strained to the breaking-point the colonial connexion. The American colonists were naturally anxious that the Canadian people should throw in their lot with the other colonists, and with this object an address was sent in October, 1774, from the General Congress at Philadelphia to the inhabitants of Quebec. Although in its elaborate references to Beccaria and Montesquieu, this document seems hardly suited to the taste of the illiterate French Canadians, it is reported to have created no little impression. It must be remembered that, inasmuch as the English minority were for the most part in sympathy with the Americans, Congress was kept fully informed concerning Canadian affairs. Carleton was in no fool's paradise, but he was helpless to mend matters. As early as 1767 he had urged that Ticonderoga, Crown Point, and Fort George on Lake Champlain should be held by adequate forces, but his advice had been disregarded. Thus when Ticonderoga and Crown Point were attacked in May, 1775, they fell an easy prey to Vermont irregulars under Ethan Allen. On hearing the news Carleton at once dispatched all the available troops to St. John's, which stood on the Richelieu above Lake Champlain. The French Canadians, with the exception of the nobility, who both fought for the government and endeavoured to influence their tenants, showed great reluctance to take up arms. When Carleton issued a Proclamation requiring the seigniors to enroll their dependants into companies the seigniors readily obeyed, but the habitants refused to budge. They alleged that their obligation to do military service had ceased with the cession of the colony. It appears that not more than a few hundred militia men were enrolled in all the seigniories. But while the Canadians generally refused to support the Government, some joined the ranks of the enemy. With no British troops available, unable to count upon the Canadian Militia, the Governor's position was indeed desperate. None the less he wrote home cheerfully that the importance of the province would make him obstinate in its defence. Canada was an excellent basis for operations, and reinforcements of some ten thousand men collected there in the spring might be a decisive factor in the issue of events. Meanwhile, not content with leaving Canada defenceless, the home authorities were enjoining Carleton to raise three thousand men to act in support of General Gage, the British Commander-in-Chief; and a little later the number had risen to six thousand. Carleton in his need applied to Gage for two regiments. Gage was willing to send them, but Admiral Graves refused the necessary transport on the ground that the passage from Boston to Quebec was too dangerous to be attempted in October.

Desperate position of Carleton.

The Continental Congress and Canada.

The Continental Congress had been in doubt how to deal with Canada. General Philip Schuyler, one of the delegates from New York, was directed, on June 27, 1775, to repair to Ticonderoga and Crown Point to obtain intelligence of the disposition of the Canadians. If he found it practicable, and that it would not be disagreeable to the Canadians, he was instructed to take possession of St. John's, Montreal, and any other part of the country. It was generally recognized that if the Canadians were averse to the expedition, and unwilling to co-operate, there was little chance of success. Washington wrote to Arnold that in no circumstances were

American invasion.

the Canadians to be irritated. At worst they were now neutral; they might be made hostile. The news from Canada appearing favourable, it was decided to advance against Montreal and Quebec. The invasion was made from two points. The main body under General Montgomery, who took the command upon the illness of Schuyler, advanced up Lake Champlain and the course of the Richelieu river. The second force under Arnold, whose subsequent treachery is familiar, moved up the Kennebec from Connecticut. The Americans had greatly underrated the resisting power of St. John's. The siege by Montgomery's forces lasted from September 8 to November 3, and very probably, but for the surrender of Chambly, Major Preston, who was in command, would have held out till the winter weather caused the abandonment of the siege. Captain Stopford at Chambly omitted to throw his guns and ammunition into the rapids above the fort before surrendering; and on the obtaining by the Americans of these guns and ammunition, further resistance at St. John's became hopeless. The surrender of this fort opened the road to Montreal. There were no British troops there, and the Militia had been sent home. The loyalists felt the disgrace of yielding without resistance, but with numbers of the inhabitants disaffected resistance was out of the question. The Congress troops took possession of Montreal on November 13, Montgomery making it his head quarters till the end of the month. Meanwhile Arnold had advanced from Connecticut along the track made in 1761 by a British officer. Starting from Cambridge on September 11 he ascended the Kennebec and its tributary, the Dead River. Having crossed the highlands, he passed through Lake Megantic and along the Chaudière river, and on November 8 arrived at Point Levi opposite Quebec. Carleton arrived at Quebec on November 19, after running great risks of being taken, and decided to defend it to the last. He immediately removed from the city the

Siege of Quebec.

sympathizers with the invaders whose views were known. Montgomery's army arrived at Ste. Foy on December 5, when they were joined by Arnold's contingent. The Americans were deficient in artillery, so that it was necessary to take the town by assault; but, considering the weakness of the garrison, this seemed no very difficult task. The night of December 31 was fixed upon for a simultaneous attack by Montgomery's and Arnold's forces. The attack was made, but at the very beginning of the operations Montgomery was shot dead. In spite of their leader, Arnold, being wounded, the second division carried the first barricade at Sault-au-Matelot, but on attempting the second found themselves outnumbered, and were compelled to surrender. The complete failure of the combined attack made the Congress troops unwilling to attempt another assault, and from this time the siege resolved itself into a wearisome blockade. Carleton was blamed for his caution in not attempting reprisals, but the forces at his command were wholly insufficient for offensive operations. He knew that time was on his side, and that, with the coming of spring, relief would arrive from England. Early in May the long-expected reinforcements arrived, and the Congress troops under General Wooster, who had succeeded Montgomery, retired in such confusion as to leave behind their cannon, ammunition, stores, baggage and papers.

Offensive taken by Carleton.

Even when Carleton had sufficient troops to assume the offensive, he was hindered by the absence of the means of transport. The Americans had either taken or burned the boats at St. John's and Chambly, and Carleton was without the means of descending Lake Champlain. Boats had, therefore, to be hastily built. By the beginning of October this work was finished, and the American fleet was attacked and practically annihilated. Crown Point was occupied by the British, but afterwards abandoned as the lateness of the season prevented further operations against Ticonderoga. The Secretary of State for

Germain and Carleton.

American Affairs, Lord George Germaine, who was Carleton's enemy, blamed him for not pushing forward against Ticonderoga, and sought to saddle him with the consequences of the subsequent defeat, on March 26, 1777, of the German auxiliary troops at Trenton upon the Delaware, three hundred miles to the south. Germaine appointed to the command of the expedition which was directed to operate from the north against the American colonies General Burgoyne, a clever politician and littérateur, but who, whether or not a capable general, was unable to accomplish the impossible. Carleton was directed to confine himself strictly to Canadian affairs. He wrote back a dignified protest, but did not finally send in his resignation till the following June.

It is unnecessary in a history of Canada to dwell upon the dreary page which closed with the surrender of Burgoyne at Saratoga on October 16, 1777. The gallantry and superficial brilliance of Burgoyne could not redeem the fundamental error of the whole expedition. Carleton and Burgoyne also, had originally contemplated an advance upon Connecticut. The expedition down the Hudson required for its success the co-operation of an army from the south. At the critical moment Howe was occupied elsewhere, Germaine having failed to bring home to him the urgent necessity of such co-operation. Germaine, as though another Pitt, presumed to dictate the strategy of distant campaigns, but he was without either the genius or the industry which alone could justify such presumption. But though the full measure of Germaine's failure as Colonial Secretary does not directly concern Canadian history, his treatment of Carleton was not without its sinister influence. Throughout the last years of the war Canada must have shown herself defenceless against an American invasion. Happily for Great Britain, the jealousy entertained by the Americans of their French allies caused them to leave Canada alone. They did not desire to end British rule in North America only to call into fresh life the power from which in the past they had suffered so severely. The failure of Burgoyne's expedition involved the retirement from Lake Champlain, and Ticonderoga, which had been again occupied in the spring of 1777, was abandoned.

While foreign affairs were thus unfortunate, the Governor found himself thwarted in the management of domestic concerns. The Quebec Act revoked all commissions to judges and other officials. The intention had been merely to give the Government power to deal with the case of absentees. Carleton himself treated no place as vacant 'except when the former occupier did not think it worth his while to remain in the province to attend to his duty'. The letter of the clause, however, was made the means by which capable officials were superseded by nominees of the home Government. Lord George Germaine was able at the same time to gratify his jobbing instincts and his keen dislike of the Governor. Carleton fiercely resented this behaviour. 'I am at a loss to know', he wrote, on hearing that the acting Attorney-General and Judge of the Common Pleas at Montreal had been superseded, 'after the fate of these gentlemen, how I can even talk of rewarding those who have preserved their loyalty, without the appearance of mockery.' The appointment of one Livius as Chief Justice, in 1776, who, according to Carleton, understood neither the laws, manners, customs, nor the language of the Canadian people, evoked from him an indignant protest. On June 26, 1777, he sent in his resignation on the ground that Germaine and he could not act together, and that it was not right that the private enmity of the King's servants should add to the disturbance of his reign. In the circumstances of the province it was necessary that the Governor should remain on the spot till the arrival of his successor, and it was not till the June of the following year that Carleton took his departure. He and Livius were soon in hot contention.

Resignation of Carleton.

The salaries of the judges had been materially increased in 1770 so as to check the abuse of high fees. At the same time no regulations had been made, and the judges were a law to themselves. An ordinance prepared by Carleton to remedy this evil was opposed by Livius and other members of the Council. The Chief Justice appeared to the Governor 'greedy of power and more greedy of gain, . . . learned in the ways and eloquence of the New England Provinces, valuing himself on his knowledge how to manage Governors'. The Governor, having no hope that the proposed measure would be carried, prorogued the Council and dismissed Livius, thereby intimidating his associates on the Council. Carleton believed that with his departure Lord George Germaine might adopt a different policy. Otherwise, if the power of the Crown within the province were to be trampled down to exalt the sway of inferior servants and scribblers; if, in neglect of old and faithful servants, all places were to be at the disposition, like so much private property, of the Minister's friends and followers; if the rapine and dirt of office were to find no restraint,—then there would soon appear among both troops and people faction and sedition, instead of obedience and tranquillity, and Canada would run headlong into the same disorders as its neighbours had experienced, with no less hurt to the interests of Great Britain.

Attitude of Carleton.

Although Germaine had prevailed so far as to oust Carleton, the latter still stood high in the King's favour. He had been made a K.B. in 1776, and now received a sinecure appointment. Livius had also returned to England to appeal to the Privy Council against his dismissal from the Council. Carleton refused to give evidence and merely referred to his dispatches, so that the judgement went not unnaturally in favour of Livius. There did not appear to be good or sufficient cause for his removal. On a second point the Privy Council gave a decision which was unfortunate for the future of Canada. Carleton had claimed to consult an

Appeal by Livius.

Refusal of Privy Council to recognize a Cabinet.

inner circle of the Council, thus, in effect, obtaining the advantage of a coherent Cabinet; the Privy Council now decided that all members of the Executive Council stood on a footing of equality, and that all the business of the Council should be executed by that body as a whole. This was the slovenly and inefficient system, which received, fifty years later, the scathing condemnation of Lord Durham. Livius remained in England, receiving for another eight years the salary of Chief Justice. When asked to resume his duties, the astute patriot replied in 1782 that perhaps it was safer for the Government that he was away, as, if he were present in Canada, his duty would compel him to oppose Haldimand's arbitrary proceedings. The art of the patriot and the blackmailer could not be more happily blended!

Position of Haldimand.

The narrow but honest and kindly character of the new Governor, Sir Frederick Haldimand, who arrived at Quebec in June, 1778, is well known from the pages of the Diary of his last years which has been preserved. Throughout he is seen as conscientious and scrupulous, but jealous and narrow-minded. Haldimand was a Swiss Protestant who had done good service in the British army. At his coming the times were difficult, as another invasion appeared probable. Haldimand recognized to the full the weakness of his position and the slender trust that could be placed in the Canadian subjects. He has been accused of harshness in imprisoning suspected persons, but the publication of the Canadian archives has thrown such doubts on the assertions of his chief accuser, one Du Calvet, that these accusations may now be disregarded. It must be remembered that a new danger had arisen from the co-operation of the French with the American colonies. In 1775 the clergy had remained firmly loyal and had exerted their powerful influence in support of Great Britain, but in 1781 we find Haldimand writing that many of the priests had changed their opinions and could no longer be counted upon to support the Government.

Influence on Canada of American independence.

Such danger was short-lived, and the surrender of Cornwallis at Yorktown in 1781 marked the virtual closing of the struggle between Great Britain and the American colonies. The birth of a great world-state upon her borders was an event which influenced profoundly the whole future of British Canada. It decided for many generations, at least, the whole course of Canadian history. With the United States at hand ready to absorb her, Canada was compelled either to yield to that influence or to throw in her lot wholeheartedly with that empire which alone for the time could supply her with a counteracting force. Moreover, the rise of the United States directly caused the settlement of Upper Canada, thus securing a new starting-point for British energies, whence in the fullness of time a new British America should develop, more powerful than were the American Provinces for many years after the gaining of independence. Henceforth, now by attraction, and now by repulsion, the fortunes of Canada and the United States were closely interlaced, and every student of Canadian history should make himself also familiar with the history of the great Republic.

Peace of Paris, 1783.

Assuming a knowledge of the general history, it is only necessary to lay stress here on the points of the Peace of Paris which affected Canada. It must be confessed that neither Lord Shelburne nor his creature, Oswald, in the first negotiations for peace showed much concern for the interests of Canada. Moreover, in the apparent overthrow of her continental colonial empire, Great Britain may be pardoned if, at the moment, she paid little heed to the rift in the black clouds, which in time was to bring the promise and the fulfilment of a better day.

Definition of boundaries.

Fortunately there were stouter statesmen and negotiators than Shelburne and Oswald, and under the treaty, when finally signed, Canada remained British. The attempt to define its boundaries became the prolific cause of future controversies. The starting-point of the northern boundary line was

North-west angle of Nova Scotia.

Question of river St. Croix.

'the north-west angle of Nova Scotia', and this angle was arrived at by drawing a line due north of the source of the St. Croix river to the highlands. The boundary ran along these highlands, which divided the rivers that emptied themselves into the St. Lawrence from those which fell into the Atlantic Ocean, as far as the north-westernmost head of the Connecticut river. The eastern boundary was a line to be drawn along the middle of the St. Croix river from its mouth in the Bay of Fundy to its source, and from its source directly north to the aforesaid highlands. In the absence of accurate geographical knowledge, it was most dangerous to attempt such elaborate description. The maps of the time were extremely incorrect, so that, when it became necessary to mark out on the spot, the lines traced by treaty-makers on maps, hopeless confusion resulted. In the old days when France had been in possession of Acadia, it had proved impossible to agree upon the boundary between the French and British possessions, and when the country became wholly British, the exact limits of the different provinces were a matter of no great urgency. The problem of more than a hundred years had now to be solved in a hurry and in a foreign city. Is it wonderful that the result was confusion? In the first place, what was meant by the St. Croix river? It was common ground that the St. Croix had been recognized as the boundary as early as the grant to Sir William Alexander in 1621, and in 1763 the commission of the Governor of Nova Scotia placed the boundary at that river. But, this being granted, three rivers at least which fell into Passamaquoddy Bay claimed to be the St. Croix of history. Under Jay's treaty of 1794 the decision of the question was left to a joint British and American Commission, the members of which arrived in 1798 at the unanimous conclusion that the river intended must be that which was at the time known as the Scoodic, but which they identified with the St. Croix of Champlain. The Scoodic, however, had two branches, the

Eastern branch of Scoodic.

western, known as the Scoodic, and the eastern, known as the Chiputneticook. At first the majority of the Commissioners were in favour of choosing the western branch, but differed as to what constituted its source. In this state of things a compromise was arrived at, under which the eastern branch was chosen to its extreme source. It has been contended by a writer who has devoted great learning and ability to the subject that the conclusion arrived at was right. Both on historical grounds, from the wording of the ancient grants, and on grounds of convenience the Chiputneticook appears best to answer the requirements. The object appeared to be to obtain a river boundary running as far inland and northward towards the St. Lawrence or its watershed as possible. So much was settled, but difficult questions still remained for solution. The source of the St. Croix being found, the boundary ran due north and then along the highlands to the north-westernmost head of the Connecticut river. Great confusion arose with regard to 'the north-west angle' as defined above. In fact, a line drawn due north from the source of the St. Croix does not reach any highlands dividing rivers which flow into the St. Lawrence from those which fall into the Atlantic, unless by Atlantic be meant the Bay of Chaleurs. A reference to Mitchell's map of 1755 will show that it was faulty geography which caused the confusion. In this geographical chaos we cannot reject the clues which the old history affords. The intention, however mistaken and lamentable in its results, would seem to have been to define the already existing boundary between Nova Scotia and Massachusetts. It must have been by design that the description of the highlands followed the exact wording of both the Proclamation of 1763 and the Quebec Act of 1774. The treaty of 1783 deliberately used the previous definitions of the western boundary of Nova Scotia and the southern boundary of Quebec. None the less were the consequences disastrous to British interests.

Geographical confusion.

According to this view a portion of New England protruded, by which means Quebec and New Brunswick were cut asunder. So long as all the colonies were British, the question of boundaries, from an imperial point of view, mattered little; but, with the separation of the United States, it was a grave danger that the only practicable road from Nova Scotia to Quebec during the winter months (viz. that by the rivers St. John and Madawaska and Lake Temiscouata) should pass through foreign territory. We find Colonel Mann, an Engineer officer, writing in 1802 that, unless some arrangement could be made, the line to be run from the St. Croix to the highlands would cut off the direct communication between Canada and New Brunswick. Amongst a mass of evidence tending to show that the inconvenience of the boundary as defined in 1783 was long recognized by the British authorities, may be cited the resolution of the New Brunswick Assembly in 1814, urging that the boundary should be readjusted, 'so that the important line of communication between this and the neighbouring province of Lower Canada by the river St. John may not be interrupted.'

Boundaries of old colonies.

The first advocate of the view that the highlands meant were the hills to the south known as Mars Hill was Carleton, who had now become Lord Dorchester. 'I understand,' he wrote on January 3, 1787, 'that the high land which runs to the great rapids (i.e. the Grand Falls) on the river St. John is the boundary, and separates Canada from New Brunswick and the New England provinces.' It is true that the immediate subject was the boundary between Canada and New Brunswick, but, as Dorchester recognized, 'the United States will naturally look upon the termination of our boundary as the commencement of theirs.' Under the Treaty of Ghent in 1814 it was provided that a Commission should be appointed to determine what was meant by 'the north-west angle' of Nova Scotia. It was before this Commission that

Highlands identified with Mars Hill.

the British contention with regard to the Mars Hill high land was first seriously put forward. No place literally fulfilled the conditions of the treaty. Hence the latter must be interpreted by its intention. But the intention could not have been to cut in twain two British colonies. Relying on this argument, the British Commissioner held that the point should be fixed at or near Mars Hill, at some 40 miles' distance from the source of the river St. Croix, and about 37 miles south of the river St. John. The American Commissioner, on the other hand, fixed the point at a place about 144 miles due north of the source of the St. Croix, and about 66 miles due north of the St. John; so that agreement was further off than ever. Meanwhile the necessity for some settlement was becoming increasingly urgent. Maine had taken a separate place as one of the United States in 1820, and henceforth put forward extreme pretensions with great vigour. The inhabitants of the Madawaska settlement, part of the territory in dispute, were included in the American official census. New Brunswick retaliated by vindicating its claims to the territory, including the Aroostook Valley. Much friction and collisions were the inevitable consequence. In 1827 the arrest of a Madawaska inhabitant by the New Brunswick authorities at one moment threatened war between the two nations. The question at issue was referred to the arbitration of the King of the Netherlands; but his decision, published in January, 1831, was held by the Americans to be outside the scope of the reference, and therefore invalid. He held that it was impossible to give literal meaning to the language of the 1783 treaty, but that an equitable boundary would be a line drawn due north from the source of the St. Croix to a point where it intersected the middle of the channel of the St. John. From this point the boundary should follow the channel of the St. John till the point where the St. Francis fell into it. It should then follow the St. Francis till it reached the source of its south-westernmost branch. From this point the line

British argument.

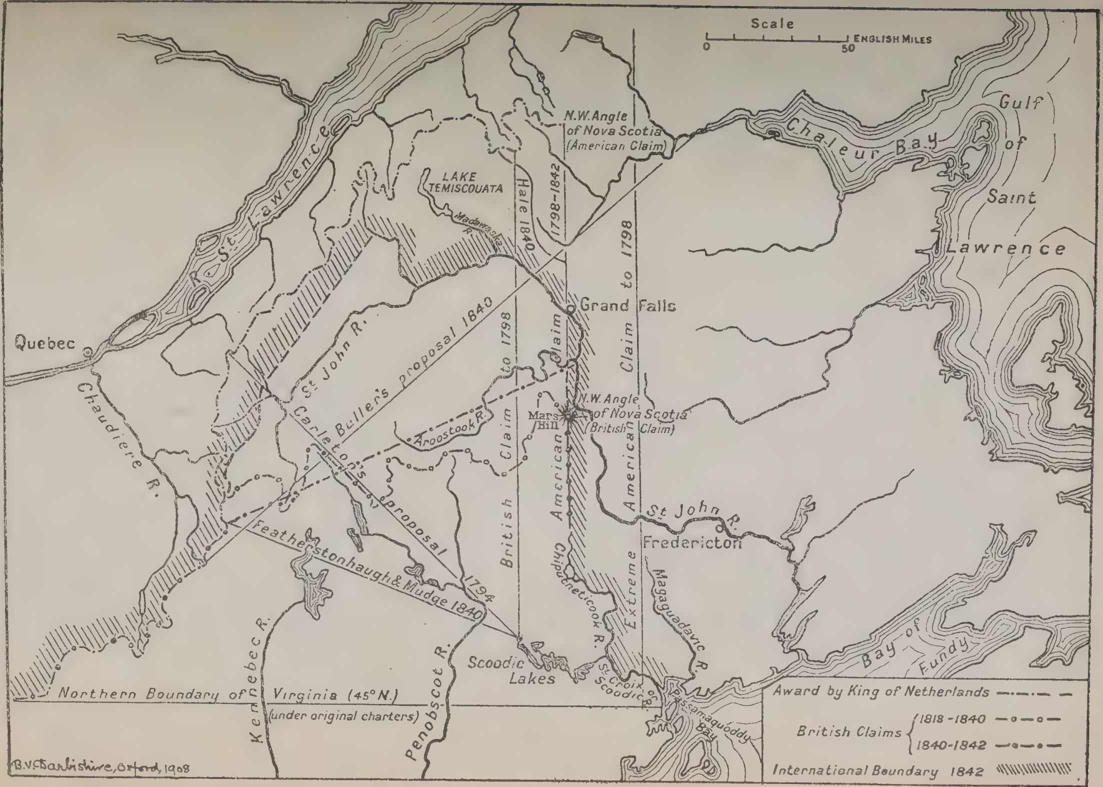
Necessity of settlement

Decision of the King of the Netherlands.

should be drawn due west, till it united with the line claimed by the United States. Following this the point would be reached where the British and American lines coincided. The British Government was willing to accept the decision of the King of the Netherlands, but the Americans would have none of it. In 1833 a proposal made by the American Government that a new commission of survey should be set on foot freed from the restriction of following the line due north mentioned in the treaty, was rejected by Lord Palmerston on the ground that there was no evidence that the American Government was possessed of the necessary powers to carry the arrangement into effect. At length, in 1841, the American Secretary of State, Daniel Webster, proposed the settlement of the question by direct negotiation. Lord Ashburton accordingly was sent out, and on August 9, 1842, the signing of the Ashburton Treaty at last concluded the matter. Under this the line beginning at the source of the St. Croix river ran due north to its intersection with the St. John. Thence it ran up the main channel of that river to the mouth of the St. Francis. Following the middle of the channel of the St. Francis and of the lakes through which that river flows, it reached the outlet of the Lake Pohenagamook, whence it ran south-west to the dividing highlands and the head of the Connecticut river to the 45° of north latitude. The Ashburton Treaty has been, and still is, severely criticized by Canadian writers, nor need we share the strong optimism of the writer of the article on Maine in the *Encyclopaedia Britannica* of that day that the result was a British triumph. It was truly a lamentable conclusion that the Madawaska settlement should have to be cut asunder, so that a homogeneous population was divided between two rival Governments. At the same time, setting aside the gossip with regard to maps, it seems impossible to study carefully the evidence without arriving at the conclusion that the cause of trouble lay much further back than in any

Ashburton Treaty, 1842.

THE MAINE BOUNDARY. (after W.F.Ganong)


Scale
0
50
ENGLISH MILES
Gulf of Saint Lawrence
Chaleur Bay
St. Lawrence R.
Quebec
Chaudiere R.
LAKE TEMISCOUATA
Madawaska R.
N.W. Angle of Nova Scotia (American Claim)
Hale 1840
1798-1842
Claim to 1798
Grand Falls
St. John R.
Buller's proposal 1840
British Claim to 1798
American Claim
N.W. Angle of Nova Scotia (British Claim)
Mars Hill
Aroostook R.
Carleton's proposal 1794
Featherstonhaugh & Mudge 1840
American Extreme
St. John R.
Fredericton
Chiputneticook R.
Magaguadavic R.
Scoodic Lakes
St. Croix or Scoodic R.
Passamaquoddy Bay
Bay of Fundy
Kennebec R.
Penobscot R.
Northern Boundary of Virginia (45° N.)
(under original charters)
Award by King of Netherlands
British Claims 1818-1840
1840-1842
International Boundary 1842
B.V. Darbishire, Oxford, 1908

weakness displayed by Lord Ashburton. Under the peculiar circumstances of the case it may well be contended that that settlement was at least as favourable to Great Britain as could have been expected. It is assuredly a suggestive fact that under the treaty Great Britain received territory to which neither Canada nor New Brunswick appeared able to put forward a valid claim. It was the good fortune, not the merit, of Great Britain that the intention to describe the old boundaries between the old English colonies and the old French possessions was carried out in so clumsy and ambiguous a fashion as almost to necessitate a new conventional boundary. At the time of the treaty of 1783 the United States would have stoutly refused to abandon anything which had ever belonged to Massachusetts; but if the territory was British, it must, unless it was included in Nova Scotia or Canada, have been at some time part of Massachusetts.

Apportionment of islands under treaty.

In the apportionment of the Passamaquoddy Islands Great Britain was still more fortunate. Under the treaty of 1783 all islands within twenty leagues of any part of the shores of the United States were to belong to the States unless they were at the time, or had heretofore been, within the limits of Nova Scotia. The arbitrators under the Treaty of Ghent were on this branch of their work of one mind. Three islands in the Bay of Passamaquoddy, Moose Island, Dudley Island, and Frederick Island, were assigned to the United States; and the remaining islands in the Bay, together with the island of Manan, which lay further out in the Bay of Fundy, were allotted to Great Britain. The result was that Great Britain lost three small islands to which her legal right seemed strong, and in return obtained Great Manan, her rights to which were doubtful.

Western boundary.

The boundary under the treaty of 1783 to the west beyond the north-westernmost head of Connecticut river ran along the middle of that river to the forty-fifth degree of north latitude until it struck the river Iroquois or Cataraqui. It ran thence along the middle of that river to Lake Ontario. Thence it passed through the middle of that lake till it struck the communication by water between Lakes Ontario and Erie. It followed this into Lake Erie and ran through the middle of that lake till it struck the water communication between it and Lake Huron. Following this, it ran through the middle of Lake Huron till it reached the water communication between it and Lake Superior. Passing this it ran through Lake Superior northward of the isles Royal and Philipeaux to the Long Lake. Passing through the middle of this lake it reached the water communication between it and the Lake of the Woods. Thence it ran through the latter to its most north-westernmost point, whence it took a due west course to the river Mississippi. It will be observed that under these provisions Great Britain had abandoned all claims to the western *hinterlands* of the American colonies which the Quebec Act had declared part of Canada. This decision was doubtless wise. This western territory was the natural ground for the expansion of the American States, and Great Britain had neither the population nor the force requisite to keep it British. An unfortunate attempt in 1780 to secure Vincennes, a post of importance on the river Wabash, for Great Britain showed the difficulties in the way of the assertion of British supremacy. Although the terms of the treaty did not, on this point, lead to dispute, none the less they displayed the faulty geographical knowledge of the time. There is no one lake known as Long Lake; instead we find a succession of small lakes between Lake Superior and the Lake of the Woods. Neither does a line drawn due west of the Lake of the Woods touch the river Mississippi, that river rising some way to the south. The mistake was soon afterwards discovered, and after some abortive negotiations it was at last agreed in 1818 that a line drawn from the most north-western point of the Lake of the Woods along the forty-ninth parallel of north latitude, or, if the said point should not be in the forty-ninth parallel of north latitude, then that a line drawn from the said point due north or south, as the case might be, until the said line should intersect the said parallel of north latitude, and from the point of such intersection due west along such parallel should be the boundary line between the two Powers from the Lake of the Woods to the Stoney Mountains. (At the time of the 1783 treaty the existence of the Rocky Mountains was only known by vague report.) The effect of making the north-west corner of the Lake of the Woods the starting-point was to wedge in a small portion of American territory between what was on both sides British. In the negotiations at Paris Oswald had been willing to agree to a line running from St. Regis on the St. Lawrence to the south of Lake Nipissing and thence due west. Had this been fixed upon, the most valuable portion of the future province of Ontario would have belonged to the United States. The future importance of this side of the country was at the time realized by no one, and the United States Commissioners did not insist upon the sacrifice.

Boundary accepted by Oswald.

Fishing rights under treaty.

Under the Treaty of Paris the people of the United States were given equal right of fishing in British waters, though they were not allowed to dry or cure their fish on Newfoundland. Although the affairs of Newfoundland do not belong to this volume, mention may be made of the provision of the treaty with France relating to the Newfoundland fisheries. The French renounced the right of fishing and of drying their fish on the east coast between Cape Bonavista and Cape St. John, and in return obtained these rights between Point Riche and Cape Ray in 47° 50′ latitude, retaining their rights between Cape St. John and Point Riche. An undertaking, most prolific of future trouble and discontent, was given that no fixed settlements should be made by the inhabitants along this coast. This disability was not removed till the signing of the Anglo-French Agreement in 1904.

Provisions as to recovery of debts under Treaty of 1783.

Under the treaty between Great Britain and the United States, creditors on either side were to meet with no lawful impediment to the recovery of their full value in sterling money of all bona fide debts heretofore contracted (Article IV); and no future confiscations were to be made, nor any prosecutions commenced against any one for the part he might have taken in the war. No person was to suffer any future loss or damage in person, liberty, or property for such conduct (Article VI). The language of these clauses is express, and contrasts with the language of Article V, which contents itself with undertaking that Congress should earnestly recommend to the local legislature the restitution of confiscated estates. In practice, however, Articles IV and VI remained as inoperative as Article V, and no attempt was made to conciliate the American loyalists.

American loyalists.

This harsh attitude on the part of the American people was not without important results to Canada. An emigration of loyalists from the United States took place, which, while it added greatly to the power of Great Britain in America, also deprived the United States of a valuable conservative element, the lack of which was perhaps sometimes felt in the doings of the young republic. Socially and morally the emigrants were for the most part picked men, the choicest material with which to lay the foundations of a new people.

At first the greater number of these American loyalists sought refuge in Nova Scotia. Over twenty-eight thousand had gone thither by 1784, causing the creation of the separate province of New Brunswick. Over three thousand went to Cape Breton Island, while about ten thousand went to Canada. Of these some thirteen hundred settled at Kingston, on the site of Fort Frontenac, founded by La Salle in 1673, forming the nucleus of the British province of Upper Canada. At first there existed two main drawbacks to Canada from the point of view of the American loyalists.

The French feudal system of land tenure, which was held to prevail throughout Canada, was altogether contrary to English notions on the subject. Moreover, the absence of popular government was resented by those who had been accustomed to the full freedom of democratic popular assemblies. A remedy would have to be found for these drawbacks if American immigration was to build up a new British Empire.

The Indiana after the Treaty of Paris.

There were other interests besides those of Great Britain and the United States which were concerned with the terms of the Peace of 1783. The Indians bitterly resented the terms of the treaty. They had fought bravely by the side of the English, and felt natural resentment that no mention of them was made in the Peace. They claimed to have fought as allies and not subjects, and now they saw their lands coolly alienated. Apart from feelings of justice, the British authorities were anxious to retain the friendship of the Indians, who were still a power to be reckoned with. At the same time nothing could be done except to offer a new home in Canada to such of the Indians as might be willing to move. Under this arrangement the Mohawks under Joseph Brant (Thayendonegea) obtained a grant of about seven hundred thousand acres, along the Grand River which flows into Lake Erie. Another body of Mohawks was settled in the Bay of Quinté, west of Kingston. The position of Great Britain was further strengthened by the retention of the western posts on the ground that the United States had failed to fulfil their obligations under the treaty towards the American loyalists. These western posts were Detroit, in what is now the State of Michigan, Michillimackinac, at the junction of Lake Huron and Lake Michigan, Fort Erie on Lake Erie, Niagara, Oswego on Lake Ontario, and Oswegatchie (now Ogdensburg) in the State of New York. In addition there were Pointe Au Fer and Dutchman's Point on Lake Champlain. So long

Western Posts.

as Great Britain held these posts, which she did till 1796, a powerful hold remained over Indian affairs. Meanwhile the great body of the Indians, who had remained in the territory ceded to the United States, were filled with sullen resentment.

It seemed as though, at any moment, an Indian war might break out, and the Indians naturally asked themselves what line Great Britain would take in such an event. The position of the British Government was thus very difficult. On the one hand they could give no definite promise of assistance, on the other they were anxious not to lose the traditional sympathy of the tribes. The most adroit diplomacy was required to find a *modus vivendi* between the sullen suspicions of the Indians and the careless, and often brutal, confidence of the American pioneer. It was impossible to arrest the inevitable expansion of the United States, and the settlement of the Ohio country was a natural move in that progress. A kind of informal war took place in the years 1788 to 1791 between the Indians and the new settlers. An Indian success in the latter year threatened to extend the area of hostilities, but British influence was powerfully exerted in the interests of peace. The offer, however, to mediate between the two parties was rejected by the Americans. Direct negotiations in 1794 failed in their purpose, as the Americans were unable to assent to the claim that all the land lying to the north between the Ohio and the Mississippi should remain an Indian reserve. The situation was serious to Great Britain, inasmuch as, in case of a conflict, the western posts would doubtless at once be attacked by the Americans. Distrust of Great Britain was the dominant feeling in the United States, and the failure of the negotiations with the Indians was put down to British intrigue. That peace continued between Great Britain and the United States was mainly due to the wisdom and the influence of Washington. With regard to the Indians, the whole situation was altered by the successful campaign made in the

War between Indians and Americans.

summer of 1794 by General Wayne, the commander of the American forces. The Indians retreated along the Maumee river, and were in the end completely routed. The following year they submitted to terms, which left them only the lands south of Lake Erie, north of a line starting from the Ohio river nearly opposite the mouth of the Kentucky, along with the valley of the Maumee river and the Michigan peninsula. The country north of the Ohio which was to the south of the dividing line was expressly declared to be territory belonging to the United States. Although much was still heard of the Indians, and especially of their chief Brant, and although the Shawnee chief Tecumseh was one of the heroes of the war of 1812, already at the close of the eighteenth century the Indians were beginning to travel along that road of decline which has ended in the feeble position of to-day.

AUTHORITIES

Brymner, *op. cit.* 1889, for State Papers. Haldimand's Diary is in same volume.

Our Struggle for the Fourteenth Colony, by Justice H. Smith, 1907, gives an exhaustive account of the American invasion of Canada.

Original authorities are:

Invasion of Canada in 1775: *including Journal of Captain S. Thayer.* Edited by E. M. Stone. Rhode Island Hist. Soc. Collections, vol. vi. Providence, 1867.

Journals of Arnold's Expedition to Quebec, by E. Wild and H. Dearborn. Mass. Hist. Soc. Proceedings, Ser. II, vol. ii.

Invasion du Canada par les Américains, ed. by the Abbé Verreau, 1873.

Journal during Visit to Canada in 1776, by Charles Carroll, Maryland Hist. Soc. Publications, Baltimore, 1845.

Dispatches from Carleton to the Secretary of State on the American invasion are in Shortt and Doughty, *op. cit.* 1907. Letters between Sir Guy Carleton and Lord George Germaine are in Brymner's *Report on the Canadian Archives*, 1885. On Carleton's treatment of Chief Justice Livius see a note of Professor Shortt on p. 476 of Shortt and Doughty, *op. cit.* On the charges of Du Calvet see Brymner, *op. cit.* 1888.

Mémoires de P. de Sale Laterrière, Quebec, 1873, contain details as to period of Sir F. Haldimand.

The literature on the Maine boundary question is too voluminous to mention. In the above account Mr. W. F Ganong's learned monograph, *The Evolution of the Boundaries of the Province of New Brunswick*, Can. Royal Hist. Soc. vol. vii, Section II, has been for the most part followed. The whole matter is exhaustively dealt with in *History and Digest of the International Arbitrations to which the United States has been a Party.* Washington, 1898, vol. i. pp. 1–160. Edited by J. B. Moore. See also Parl. Papers 1837–8, vol. xxxix. The text of the Treaty of 1783 is in Houston, *op. cit.* Lord E. Fitzmaurice's *Life of Lord Shelburne*, three vols., 1875–6, and A. Gallatin's *Writings*, edited by H. Adams, three vols., 1879, should be consulted.

For the Indian War see *Life of Wayne*, by J. Armstrong (Library of American Biography, vol. iv). Ed. by J. Sparks. New York.

There are lives of Dorchester (Carleton) and Haldimand in the 'Makers of Canada' series, by A. G. Bradley and J. MacIlwraith.

CHAPTER III

THE CONSTITUTIONAL ACT OF 1791

Resignation of Germaine.

In treating of Indian affairs we have anticipated the course of events. With the resignation of Lord George Germaine in 1782 the opposition to Carleton in the royal councils ceased, and he was appointed Commander-in-Chief of the forces in America. Haldimand was notified that, in case Carleton should visit Canada, he should withdraw from the government. Carleton, however, had no intention of interfering with Haldimand: he wrote that he had not quitted the government of Canada with a purpose in any event of returning thither. Haldimand returned to England in 1784, handing over the government to the Lieutenant-Governor, Henry Hamilton. The latter's sympathies were with the members of the Council who had opposed Haldimand, and his advocacy of the extension of British institutions in Canada was not to the mind of his superiors, so that he was superseded by Colonel Henry Hope. It was at first uncertain whether or not Haldimand would return, but in January, 1786, Sir Guy Carleton, who was soon after made Lord Dorchester, was appointed Governor-General, his powers extending over Nova Scotia and New Brunswick, as well as Canada, New Brunswick having been carved out of Nova Scotia in 1784. Dorchester arrived in Canada in October, 1786, and in the following year, by proclamation, Canada was divided into five new districts, in addition to the districts of Quebec and Montreal. These were Lunenburg, which extended from the Montreal border to the river Gananoqui; Mecklenburg, which extended from the western limits of Lunenburg to

Appointment of Dorchester.

New Western District.

a line drawn north and south, intersecting the mouth of the river Trent where it fell into the Bay of Quinté; Nassau, which extended west of Mecklenburg to a line drawn north and south, intersecting the extreme projection of Long Point into Lake Erie on the north side of that lake; Hesse, which comprehended the rest of the western or inland portion of the province; and lastly Gaspé, which included all the portion of Canada south of the St. Lawrence, to the east of a north and south line intersecting the north-easterly side of Cape Cat. This division of the western province did not remain in force after the passing of the Constitutional Act of 1791.

Necessity of Education.

Although, as we have seen, at first the bulk of the American loyalists went to Nova Scotia, the presence of several thousands of them in Upper Canada necessitated the reconsideration of the question of the Constitution. It must be admitted that at the time of the Quebec Act the French Canadians were singularly unfitted for the task of self-government. Two measures were urgently required before the introduction of popular government could prove a blessing. These were the establishment of a general system of education and of such municipal institutions as should give the people an apprenticeship in the art of government. And yet, in both directions, little was attempted, and nothing was achieved. There can be no question with regard to the entire ignorance prevailing among the French habitants. The women indeed were better educated, as the nuns had established throughout the country excellent schools for girls. The need of education was recognized, but attempts to provide it foundered on the rock of religious jealousies. Thus in 1790 a committee of the Council recommended the establishment of free parish schools for elementary education, and of free county schools for secondary education. The parishes should be assessed for the cost of the primary schools, and secondary education be provided from the public revenue. A small undenominational college was to complete the educational system, provision for which might be made from the confiscated estates of the Jesuits, and by grants of waste lands. These proposals of the Council remained without result. The Roman Catholic clergy looked with suspicion on any measure which would tend to weaken their authority, and the Canadian people were at that time wholly disinclined to tax themselves for the sake of education. We know by experience how little among the English of to-day education is really valued, and it was not likely that the Canadians would lead the way along a road which the English have so recently and reluctantly travelled.

Jesuits' estates.

The Council's proposals, however, served to stir up the vexed question of the Jesuits' estates. Soon after the conquest, George III, on this occasion *alieni profusus*, had promised these as a gift to General Amherst. No one in England knew what was the value of these estates, and no attempt was made to make good the grant. The Jesuits remained in possession, the surplus of their revenue going to supply the needs of the seminary at Quebec. In 1786 Amherst renewed his claim, and a commission was appointed to report upon the value and extent of the property. It was found to consist of over 600,000 acres, situated for the most part in the district of Three Rivers. The whole population of Canada was agreed in resisting Amherst's claim. It was generally recognized that the lands given to the Jesuits had been earmarked for the purposes of education, and that the Jesuits had stood in the position of trustees. Nevertheless, it was not till many years later that the question was satisfactorily settled. In 1832, the Jesuits' estates were placed under the control of the Assembly for the purposes of education, and in 1867, at the time of Confederation, they were allotted to the province of Quebec. At a still later date, in 1888, an ultramontane Quebec Government gave to the Jesuits their money equivalent.

Question of popular Assembly.

It was then, in the absence of any system of education or of local self-government, that the question of extending British institutions to Canada had to be faced. So far as the French Canadians were concerned, the prevailing temper was one of apathy. The words written of them by Carleton remained true for long after: 'There is nothing to fear from the Canadians so long as things are in a state of prosperity; there is nothing to hope for from them when things are in distress.' In 1785 Lieutenant-Governor Hope reported that the noblesse, landed proprietors, and secular clergy were in favour of the maintenance of the existing system. Already, however, Hope recognized that 'the desire of the loyalists settled between Cataraqui (Kingston) and Montreal for a system of government different from that in other parts may lead to embarrassment, but does not require immediate settlement'. Eighteen months later Dorchester wrote that the English party had gained strength by the arrival of loyalists, and the desire for a House of Assembly would no doubt increase. He was very conscious of the risks attending such an assembly in a country where nine-tenths of the people were in utter ignorance of popular government. He confessed himself at a loss for any plan likely to give satisfaction all round. Meanwhile a change in the system of granting lands was more pressing. It was indispensable to recognize the English tenure in free and common socage amongst the British settlers, and to restrict individual grants to the limit of 1,000 acres. (June 13, 1787.) Again, in the following year, he wrote that the introduction of an assembly was chiefly promoted by the commercial community in Quebec and Montreal. The Canadian habitants, having little or no education, would follow in the direction in which those in whom they confided might lead them. The clergy seemed indifferent, but the Canadian gentlemen were in general opposed to the measure. They objected to the introduction of strange laws, of whose purport they were ignorant. They were afraid of the results which might ensue from the introduction of popular government amongst an ignorant peasantry. The fear of taxation was no doubt a powerful influence in favour of leaving things as they were. While pointing out the difficulties in the way of having a representative assembly for an extent of country stretching 1,100 miles, Dorchester maintained that a division of the province was neither in the interests of the old nor of the new subjects. The western settlements were, as yet, unprepared for any organization higher than that of a county, according to the plan lately introduced. Though he held a division of the province to be, as yet, inexpedient, he advised that a separate Lieutenant-Governor should at once be appointed for the four western districts. If, however, a division of the province was determined upon, there was no reason why the inhabitants of those western districts should not have an assembly as soon as it might be organized without detriment to their private affairs; nor why they should not enjoy so much of the English system of laws as might suit their local situation and condition. (November 8, 1788.)

Dorchester's proposals.

Proposals of Grenville.

Nevertheless, after much hesitation and pondering, it had been decided at home to divide the province, and to establish in both the new provinces a popular assembly. A draft of the proposed measure was forwarded by the Secretary of State, William Grenville, to Dorchester for his observations. Grenville wrote that the sound plan was to assimilate the new Constitution to that of Great Britain as nearly as the difference arising from the manners of the people and the existing state of the provinces would admit. A considerable degree of attention was due to the prejudices and customs of the French Canadians, and great caution should be used to continue to them the enjoyment of those civil and religious rights which were secured to them by the capitulation and had since been freely recognized. The division into two separate provinces was justified on the ground that the great preponderance possessed in the upper districts by the English, and in the lower by the French, should have its effect and operation in separate legislatures rather than that these two bodies of people should be blended together in the first formation of the new Constitution, and before sufficient time had been allowed for the removal of ancient prejudices by the habit of obedience to the same government and by the sense of a common interest. (October 20, 1789.)

The loyalists and popular government.

It must be admitted that Dorchester seems to have underestimated the demand for popular government in Western Canada. It is significant that immigration from the United States greatly increased after the passing of the Constitutional Act. Since the earliest times of English colonization, Englishmen abroad had claimed the right of popular institutions, and especially in English America men had received such training in self-government as has seldom been known elsewhere. But if a popular assembly was a measure of necessity for the British settlers, it was held, rightly or wrongly, by British statesmen that it was impossible not to give to the French Canadians what was granted to the British. It is true that the former were distrustful of, rather than grateful for, the promised boon, and that they were wholly without the training which the English had enjoyed; still they might soon have resented being placed upon a footing of inequality.

Legislative Council.

In his dispatch of October 20 Grenville explained that it was intended to separate the Legislative from the Executive Council, and to give to the members of the former a right to hold their seats during their life and good behaviour. Some mark of honour would be conferred on the members of the Legislative Council, such as a provincial baronetage. A great accession of wealth to the province might probably induce the King in the future to raise the most considerable of these members to a higher degree of honour, but this could not as yet be attempted. The object of these regulations was both to give to the upper branch of the Legislature a greater degree of weight and consequence than had been possessed by the councils of the old colonial governments, and to establish in the provinces a body of men having that motive of attachment to the existing form of government which arises from the possession of personal or hereditary distinction.

In returning, with corrections, the draft of the proposed measure, Dorchester enclosed, with an expression of strong approval, a plan drawn up by Chief Justice Smith, an old New York loyalist, for the establishment of a general government for British America. (February 8, 1790.)

Plan of Chief Justice Smith.

Smith believed that the main cause of the American Revolution had been the particularism engendered by the separate interests of the separate assemblies. The country had outgrown its government, and there had been no general body directing to a common object the energies of the separate provinces. He therefore recommended the establishment of a general legislature for the whole of British North America. The members of the Legislative Council should be appointed for life, and the Assembly be composed of such persons as might be elected by the majority of the House of Assembly of the province for which they served. The General Assembly should meet at least once in every two years. The suggestion was in some ways an anticipation of what has come to pass under Confederation; but it is doubtful whether in 1790 the establishment of such a General Assembly would have prevented racial and economic jealousies. Moreover, without responsible government, the General Assembly would almost certainly have been in constant opposition; but such opposition would have been far more dangerous when coming from a general body. The feature of the scheme, which no doubt commended itself to Dorchester, was the appointment of a Governor-General. He was opposed to the division of the province, because he was afraid that it would tend to weaken the hands of the Governor. Nor were his fears without reason. When once Upper Canada became a separate province, even a strong man like Dorchester could retain little control over its affairs; and, after his time, the authority of the Governor in Upper Canada became more and more nominal. Such questions, however, did not disturb the British Government, and they refused to be drawn into a discussion of Smith's suggestions.

Constitutional Act of 1791.

Under the Constitutional Act of 1791 Canada was divided into Upper and Lower Canada, and separate legislatures were established for the two provinces. By these means French laws and customs, apart from matters relating to criminal law, were retained in Lower Canada, whilst the benefit of English laws was given to Upper Canada. The Act left to the Canadian authorities the settlement of the boundary line between the two provinces. In Lower Canada the Legislative Council was to consist of not less than fifteen members, and in Upper Canada of not less than seven. In Lower Canada the Assembly was to consist of fifty members, and in Upper Canada of sixteen. The Legislature was to be called together once in every twelve months; and the duration of the Assembly was not to exceed four years. The Governor or Lieutenant-Governor might give or withhold his assent to bills, or reserve them for the pleasure of the Crown. After the assent of the Governor bills might still be disallowed within two years of their receipt in England. The Act, which had passed in 1778, renouncing the right of taxation in the American colonies, was explained not to apply to duties for the regulation of navigation and commerce; but, in the case of such duties being enforced, the proceeds were to be exclusively applied to the use of the respective provinces.

Religious endowment.

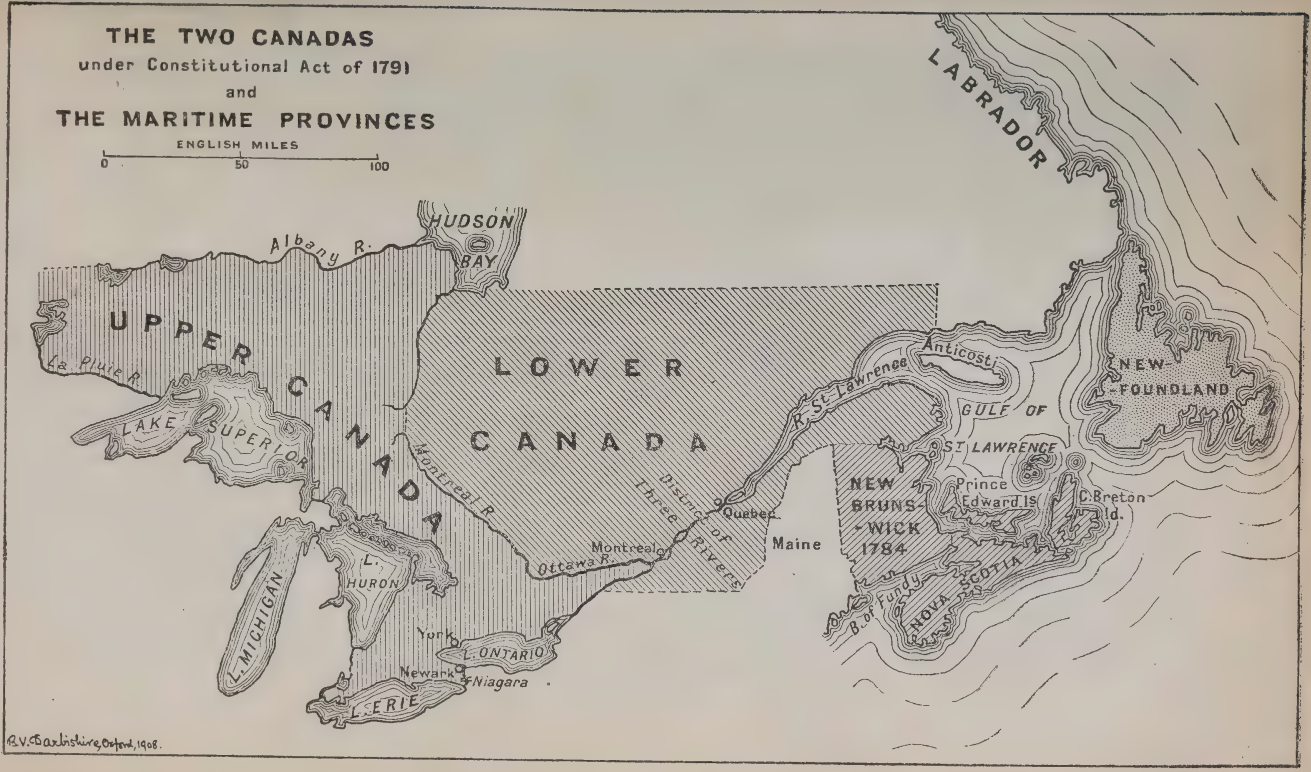
The Constitutional Act attempted further to supply the needs of religion. The provisions of the Quebec Act were re-enacted, and the Governor was authorized, in making allotments of land, to set aside for the support of a Protestant clergy such allotment and appropriation as should be, as nearly as the circumstances would admit, of the like quality as the lands otherwise allotted, and as nearly as possible equal in value to the seventh part of such lands. Power was also given to erect parsonages, and to present incumbents to them; but such provision might be varied or repealed by the Canadian Legislatures subject to the consent of the home Parliament. For the future all lands in Upper Canada were to be granted in free and common socage, and in Lower Canada also where the grantee so desired.

Legislative Council.

With regard to the Legislative Council, effect was given to Grenville's remarks already quoted. The mistake made by the British authorities was not in proposing to strengthen the Legislative Councils, but in the feeble manner in which they carried out their intention. In spite of these professions we find that the new Legislative Council in Lower Canada consisted for the most part of the old members. In the first Council under the Act the proportion of French members was greater than it was afterwards.

Opposition of British in Lower Canada.

The chief opposition to the Constitutional Act came from the British population of Lower Canada. Their case was very ably put before the House of Commons by a Quebec merchant, Mr. Lymburner. At this time the proportion of British to French in what was to become Lower Canada was about one in fifteen. In the country districts it was not higher than one in forty; but in the mercantile towns of Quebec and Montreal the proportion rose nearly to one in two. For many years the population of Upper Canada was small compared with that of Lower Canada, so that, unless disproportionate representation had been given to the towns, the effect of granting an Assembly to the undivided province must have been to secure French ascendancy. At the same time the Act might have secured better terms to the English minority in Lower Canada. The suffrage was rightly extended so as to give votes to the Canadian habitants, but the electoral arrangements were, otherwise, left to the local authorities.



THE TWO CANADAS
under Constitutional Act of 1791
and
THE MARITIME PROVINCES

ENGLISH MILES
0
50
100
LABRADOR
HUDSON BAY
Albany R.
UPPER CANADA
La Pluie R.
LAKE SUPERIOR
L. MICHIGAN
L. HURON
York
L. ONTARIO
Newark
Niagara
L. ERIE
Montreal R.
Ottawa R.
Montreal
LOWER CANADA
District of Three Rivers
Quebec
R. St Lawrence
Anticosti
GULF OF ST LAWRENCE
Maine
NEW BRUNS-WICK 1784
Prince Edward Is.
C. Breton Id.
NOVA SCOTIA
B. of Fundy
NEW-FOUNDLAND
B.V. Darbishire, Oxford, 1908.

Seats were distributed according to the existing population and no attempt was made to make provision for future needs. At that time the agricultural population was almost entirely confined to the French seigniories along the St. Lawrence, and, the number of members remaining the same, the English townships, as they developed, were left practically without representation. Mr. Lymburner's proposal that the town populations should receive half the total representation of the province was not acceptable to the home Government; and thus no attempt was made to counteract the predominance of the French in the Lower Canadian Assembly.

Electoral arrangement.

The Act was put in force by the Lieutenant-Governor, Sir Alured Clarke, who divided the province into twenty-one counties. Each county returned two members, except the three least populous, which each returned one. The cities of Quebec and Montreal were allotted four members each; the town of Three Rivers received two, and that of William Henry (Sorel) one member. A total of fifty members was thus obtained, of whom about sixteen appear to have been of British origin, a proportion which was never afterwards exceeded. The first Assembly met on December 17, 1792, and M. Panet, a lawyer of distinction, was elected Speaker. It was decided that the French and English languages should stand on a footing of complete equality. Every member had the right to introduce any bill in his own language; then the bill was translated, and that text held to be official which was in the language of the law to which the bill had reference.

The Roman Catholic Church and the Government.

In this state of things, when democracy was beginning in Canada, it was greatly to the advantage of the British Government that their relations were, upon the whole, friendly with the Roman Catholic Church. The instruction to the Governor that no priest was to receive holy orders or have the care of souls until he had obtained a licence from the Governor had been tacitly ignored; and the whole patronage of the Church remained in the hands of the Roman Catholic bishop.

Although, on the face of it, a mere toleration had been granted to the Church of Rome, and the powers and privileges of an established Church had been expressly refused, and although the Crown had expressly forbidden the exercise of any episcopal or vicarial power, except such as was indispensably necessary for the free exercise of the Roman Catholic religion, nevertheless 'the superintendent of the Church of Rome', as the Anglican bishop informs us he should be termed, was 'in the actual enjoyment of all the powers and privileges of the most plenary episcopal authority'. Fortunate indeed was it for the permanence of British rule that this was so; for, had it been otherwise, and the strong sword of the Church been thrown into the scale of its adversaries, it is difficult to see how, amidst the internal and external troubles of the years between 1790 and 1840, the maintenance of British rule could have been preserved without greater efforts than the then temper of British statesmen would have sanctioned. Moreover, while the spiritual power of the bishop was great, he was dependent for his living upon the Government. It appears that his relative financial position contrasted very unfavourably with that of the country clergy, who received a twenty-sixth of all the grain, the total sum allotted to them amounting to about £26,000 a year.

Position of Anglican Church.

The bishop of the Anglican Church was somewhat hostile; but he was in the unfortunate position of being a shepherd without a flock, as the French Canadians were, of course, Catholics, and the English in the towns were, for the most part, Dissenters. In 1793, when a bishop was appointed, there were only six Church of England clergymen in the province, and not a single Anglican church in the city of Quebec, the English service being read in the Roman Catholic churches before or after their services. If the energies of the English Church had been concentrated upon Upper Canada, where, amidst a strongly Protestant community, there was no English church and only three clergymen, its future influence might have been greater. Instead, it aimed at the questionable form of an English establishment in Lower Canada. According to the notions of the time the Anglican bishop was made a member of the Executive Council. Dorchester thereupon recommended that the Roman Catholic bishop should receive equal treatment. 'Such royal favours,' he wrote, 'should come spontaneously, and not as the result of noise and tumult.' The home authorities were less wise, and nothing was done in the matter till a much later date. Still, throughout the whole period, the officials of the Roman Catholic Church, with very few exceptions, remained faithful to the British Connexion; and the priest was a conservative force which counteracted the influence of the radical *avocat* and notary. The French Canadians were pre-eminently a religious people, and in the war which broke out between Great Britain and France their sympathies, which would otherwise have been with the land of their origin, were alienated from a mother-country which had become atheistic and republican.

Conservatism of French Canadians.

Apart from religious considerations, there was little temptation to the habitants to venture upon the stormy seas of revolution. Although the feudal system still existed in fact as well as in name, the lot of the tenants was by no means a hard one. They lived in very much the same style as did the seigniors, who were diminished in number and importance. The habitants were the sole occupiers of nearly all the cultivated land in the province, the seigniors and ecclesiastical bodies, to whom the lands were granted, having conceded the greater part of them, with little or no reserve, to the cultivators in small parcels of from one to one hundred acres. In almost every case the holdings were of an oblong shape, ranging in width of river frontage from one to five lineal arpents[1] and in depth from ten to eighty arpents. Each habitant cultivated as much land as he could manage with the help of his own family, and as was necessary for its

---

[1] A lineal arpent equalled 192 English feet.

Seigniorial system of land tenure.

support. Having within themselves from year to year all the necessaries of life, the Canadians were wholly independent, and in no part of the world was equality of situation more nearly attained. The obligations of the habitants were by no means heavy. They had to pay the annual *cens et rentes.* The former was a moderate annual tax imposed in recognition of the seignior's direct authority. The latter was a rent payable sometimes in kind, sometimes in money, and sometimes in both. The amount of the *cens et rentes* varied in different seigniories, but it was not high. In addition, the tenant paid a fine upon any change of ownership, whether by sale, gift, or inheritance other than in direct descent. This fine, termed *lods et ventes*, was fixed in Canada at one-twelfth, of which the seignior usually remitted one-third. To prevent fraudulent transfers, the seignior had the right of buying the tenant's interest at the alleged price at any time within forty days from receiving notice of sale. In addition there was the 'banal' right of the lord that all grain grown by the tenant must be ground at the seigniorial mill. (On the other hand it must be remembered that there was the onerous obligation on the seignior of having a well-equipped mill ready for grain which might never come.) Although the actual amount of the rent which the tenant paid for the land was a matter of private agreement, the usual payment was about two sous for every arpent.[1] The effect of this system of land tenure was well described at a later date in Lord Durham's Report. The habitant 'obtained his land on a tenure singularly calculated to promote his immediate comfort and to check his desire to better his condition. He was placed at once in a life of constant and unvarying labour, of great material comfort and feudal dependence. . . . Under such circumstances a race of men habituated to the incessant labour of a rude and unskilled agriculture, and habitually fond of social enjoyments, congregated together in rural

---

[1] An arpent was a little less than an acre.

Effects of system.

communities', remaining always the same 'uninstructed, inactive, unprogressive people'. 'Along the alluvial banks of the St. Lawrence and its tributaries they cleared two or three strips of land, cultivated them in the worst method of small farming, and established a series of continuous villages, which gave the country the appearance of a never-ending street.' In this state of things 'the mass of the community exhibited in the new world the characteristics of the peasantry of Europe. Society was dense', and the evils resulting from density of population were not wholly unknown. The Canadian habitants were kindly, frugal, industrious, and honest, very sociable, cheerful, and hospitable, and distinguished for a courtesy and real politeness which pervaded every class of society. In all essentials they were still French, but French in important respects dissimilar to those of contemporary France. They resembled rather the French of the provinces under the old régime.

AUTHORITIES

Shortt and Doughty, *op. cit.*, contains the correspondence relating to the introduction of the Constitutional Act.

The Act is printed in Houston, *op. cit.* Mr. Lymburner's speech at the Bar of the House of Commons against the bill is summarized in Christie, *op. cit.* vol. i, ch. iii.

The leading authority on the French seigniorial system is *The Seigniorial System in Canada*, by W. B. Munro (Harvard Historical Studies, vol. xiii). New York, 1907.

There is an elaborate study of the French-Canadian habitant, *The Habitant of St. Justin*, by Léon Gerin, in the Proceedings and Transactions of the Royal Society of Canada, vol. iv, new series.

CHAPTER IV

LOWER CANADA BETWEEN 1792 AND 1812

Situation in Lower Canada.

SUCH being the character of the people, it offered uncongenial soil for the seed of the revolutionary agitator. But though this was the case, the presence in Canada of French emissaries sent by the French minister to the United States, and American dislike of Great Britain, had some disturbing effect upon Canadian affairs. Dorchester landed at Quebec in September, 1793, and in the following year issued a Proclamation requiring magistrates and officers of militia to take rigorous measures against these emissaries. An attempt to embody one thousand of the militia met with complete failure, so far as the French Canadians were concerned. There was doubtless exaggeration in the account given by an English official that the people were generally refractory and disobedient and had set their curés at defiance; but on the other hand there was almost universal apathy and great reluctance to embark in war on Great Britain's account. The ground-swell of republicanism was felt enough in Canada to produce a crazy attempt at an insurrection, and to cause the promotion of Constitutional Associations at Quebec and Montreal which were joined by the leading men of both nationalities. An alien Act strengthening the hands of the Government against suspicious strangers was passed in 1794; and the tone of the popular Assembly remained thoroughly loyal.

While Dorchester was harassed by troubles within Lower Canada, he also found himself at issue with the new Lieutenant-

Dorchester and Simcoe. Governor of Upper Canada, Colonel John Graves Simcoe. Simcoe had done good service in the American War. He was a capable administrator, very zealous in the interests of his province; but he had aspired to an independent command, and was not well suited to the position of a subordinate. His habit of sending voluminous dispatches direct to the home authorities angered the Governor-General. Simcoe had many of the good qualities of the officials of ancient Rome, and his work in road-making caused his memory to be cherished as one of the chief builders of Upper Canada; but he was unable to realize that his province was only one of the British interests in North America. Hence his elaborate schemes for the defence of Upper Canada were unworkable in practice. There were no troops to spare for the defence of that province, and Simcoe's favourite plan of forming the nucleus of settlements by means of soldiers, as in the Roman Empire, did not commend itself to Dorchester. The work of colonization, he pointed out, had gone on successfully in the past without extraordinary expenses being incurred or troops being employed for civil purposes. Simcoe, who had independent means, and only cared for place so long as he could effect his purposes, applied for leave in the December of 1795, asking, if leave were impossible, that his resignation should be accepted. We may not agree with the theory that the quartering of troops in the embryo of a town was the best foundation for future prosperity; but we must admire the honesty and energy which has caused Simcoe's name to be held in lasting honour in the province, over the beginnings of which he watched so jealously.

Question of fees. Dorchester himself proffered his resignation in 1794. There was much in the situation of affairs to disgust him. No man of his time had a more unsullied record with regard to money matters, since his first accession to power, when he had refused to avail himself of the usual fees taken

Dorchester on jobbing system.

by Governors. The fees for liquor licences he considered should be increased, not diminished; but the money should be appropriated to the public benefit. Haldimand had also recognized that the fees were in general far too high, and more than the people could bear. Dorchester found himself powerless to check a vicious system. In reporting, in 1795, on the faulty mode employed by the collector of customs, he added the significant words: 'The loss is not the only evil; the power of discriminating between right and wrong becomes weakened by custom, and perquisites are seized with avidity by influential servants of the Crown and extended in every direction, affording materials to leaders of sedition.' This dishonest system he elsewhere said had been coeval with the British colonies and the cause of their destruction. In the same gloomy spirit Dorchester wrote, in August, 1795, that he trusted his successor would arrive with sufficient authority to restore order. The Governor had been thwarted by his Council, and bitterly recommended the recall either of the two Chief Justices, or of himself, or of all three. By these means the political undercurrent which had formerly destroyed the foundation of government in the American Colonies might be traced to its source. Again, in July, 1796, Dorchester wrote: 'The great ends of government cannot be attained if the local administration be warped or made subservient to fees, profits, perquisites, and all their dirty train; the splendour of the Crown is sullied and the national interests sacrificed . . . practices are introduced which, besides enervating the King's authority, must infallibly alienate the affections of the people from the British Government.' The subject of dead jobs is an unsavoury one, around which the historian has been reluctant to linger. Nevertheless the state of things revealed, or half-revealed, in the official papers should be noted as one cause, and a most active cause, of that dissatisfaction which afterwards culminated in a demand for a revolution in the government.

System of independent government.

Although, for the time, Dorchester did not persist in his resignation, his grounds of objection to the policy of the home Government were by no means removed. The affairs of Upper Canada, as we have seen, were not enough within his individual control. He resented the terms of a letter, written by the Secretary of State, Dundas, in 1795, which seemed to recognize Nova Scotia as a wholly independent command. In November of the same year he urged the Duke of Portland that order could only be restored by the arrival of a successor; and again in the following May he lamented 'this natural disorder of a political constitution, which alienates every servant of the Crown from whoever administers the King's government, leaving only an alternative, still more dangerous, that of offending the mass of the people'. Of course, in all this there was a note of exaggeration. Dorchester was essentially a soldier, and, like many strong men, was doubtless somewhat of an autocrat. As old age was approaching, he became very quick to take offence. Nevertheless, had the home Government taken to heart his warnings, the future relations of Great Britain and Canada might have been much earlier placed on a sound basis. For it was precisely the weakness of the Central Executive, and the consequent strengthening of the sinister influences of self-interest and jobbery among the surrounding officials, which did, in time, 'offend the mass of the people', and thereby brought about a state of things which threatened to end, in failure and shame, the remnants of the British Empire in America. It is too generally taken for granted that all along there were but two alternative methods of colonial government, that which prevailed under the old system, and the full responsible government which finally developed. But responsible government was beyond the ken of the Canadians in the beginning of the nineteenth century; a more primitive system, loyally worked, would for many years have contented them. Ordinary men care little for abstract rights, and it is the sense of practical grievance

Dorchester's forebodings.

which gives strength to movements towards democracy. If it be true that

> the lords of song
> Are cradled into poetry by wrong,

it is even yet more actually true that the demagogue of to-morrow is the man with the grievance of to-day. It was because those who spoke in the name of Great Britain forgot the meaning of the words *noblesse oblige* that the Canadian people entered blindly on the thorny track of sullen obstruction which threatened to land all government in a squalid and inglorious *impasse.* Further chapters will afford matter for this text; it remains here to form an imperfect estimate of the great Governor whose rule ended in 1796. The friend and comrade of Wolfe, who chose him for his executor, Carleton's name is indissolubly associated with the first years of British Canada. He was Lieutenant-Governor or Governor of Quebec from 1766 to 1778; and again Governor, first of Quebec, and then of British North America, from 1786 to 1796. It is true that he was in England in the years 1770 to 1774, and again from 1791 to 1793; but during the first period he was busily engaged over Canadian business, and even when absent his influence dominated the Canadian stage. No Englishman was ever more respected by the French-Canadian people. When, in the full frenzy of anti-British prejudice, the names of the counties were afterwards abolished, the name of Dorchester was alone preserved, and in the indignant indictment of British government which the brilliant historian, F. X. Garneau, drew up, writing under the sting of the union of the Canadas, the note of hostility is hushed before the honoured name of Carleton. Although assuredly no democrat, Carleton from the first recognized that it would be impossible permanently to retain Canada without the cordial goodwill of its inhabitants. Such measures as were at the time possible, the selection of French Canadians to be members of the Council, the raising

Character of Dorchester.

His greatness.

of a Canadian corps to be officered by their own countrymen, the full recognition of the legitimate rights of the Roman Catholic Church—these he advocated with all his strength. Above all, he set the example of keeping the scutcheon of British honour unsullied, and of waging relentless war against anything in the nature of a job. Almost alone amongst his contemporaries, his reputation emerged undiminished and increased from the American War of Independence. In the bidding-prayer of the British Empire the name of Carleton must always be remembered. Although after his death his private correspondence was destroyed, enough is known of him from his public acts and dispatches for us to recognize—

> This was the noblest Roman of them all,
> . . . . . . the elements
> So mixed in him that nature might stand up
> And say to all the world, 'This was a man.'

Prescott's dispute with Council.

The significance of Dorchester's complaints comes nome to us when we consider the case of his successor, General Prescott. Almost from the first he became embroiled with his Executive over the question of the disposal of the public lands. It is unnecessary now to enter upon this dead controversy. The contention of the Council was that the Governor would have admitted undesirable settlers, that of the Governor that the members of the Council were themselves dealing with the land to their own profit. It is at least significant that Christie, the historian of Lower Canada, who was a boy at the time, and had afterwards excellent means of forming a just opinion, wrote that it was generally believed that the members of the Executive Council were not altogether disinterested.[1] Prescott, according to him, 'was universally deemed an upright and honourable man, much respected by all classes, and popular as a Governor.' Whoever was right in the controversy, it is clear that the Secretary of State was in the wrong. His decision was to hush the whole matter up, and, while recalling Prescott, to allow him to retain the position and emoluments of Governor. A new Governor was not appointed till 1807.

---

[1] Christie, *op. cit.* vol. i, pp. 202–3.

Neglect of home authorities.

It would seem that the influence of the Chief Justice, Osgoode, who opposed both Dorchester and Prescott, was great at home, and no investigation took place into the matter. A more lamentable object lesson in the weak side of the old system of colonial government could not be given. Governments meant well, but there was no effort to pluck up weeds, and thus it was not wonderful that the crops were poor.

Land system.

Twelve hundred acres had been fixed as the maximum amount in grants of land; but in practice this provision was freely evaded. A system was established under which bogus applications were made by persons who handed over their concessions to some one individual, it being notorious and within the knowledge of members of the Executive Council that the intention was to evade the law. It was in this way that the settlement of the townships of Lower Canada began. These townships, separated from Montreal and Quebec by a wilderness, through which there was hardly a practicable footpath, lying to the south near the river St. Francis, gradually obtained a considerable English and American population. The strength of French nationality is well shown by the fact that in the fullness of time it absorbed even this English-speaking district.

Administration of Milnes.

The Lieutenant-Governor, Milnes, arrived in Canada in June, 1799. He is now best remembered by a report which gives a lively picture of the condition of things prevailing. His scheme of raising a revenue from the public lands met with no success; nor was the burden thrown upon the mother-country to be thus provided for. But Milnes was doubtless right in some of his political forecasts. After recognizing, in 1803, that the French Canadians were much more reconciled to the British Government than at any previous period, he added that from their want of education

Advice as to French Canadians.

and extreme simplicity they were liable to be misled by designing and artful men. An Englishman accustomed to an aristocratic régime at home might well be startled at the social, if not political, democracy which here prevailed. 'Were they once made sensible of their own independence the worst consequences might ensue.' Milnes urged that the organization of both the Roman Catholic Church and of the militia might be enlisted on behalf of the British Connexion. Under the French régime the captain of militia had been employed to issue and enforce the public ordinances. Under a constitutional system such powers could not, of course, continue; but considerable consequence still attached to the position, and the captains still performed various unpaid services. There were two hundred and ninety of them, and if, by means of honorary and pecuniary rewards, they could be directly attached to the Crown, their influence, being widely diffused over the whole province, would tend to keep alive among the people that spirit of loyalty to monarchical institutions which was natural to the Canadian people, but which from special circumstances was in danger of becoming extinct.

Milnes only gave new form to advice already offered by Murray and Dorchester. The consequences of a conflict between an Executive out of touch with the people and an Assembly with no sense of responsibility were already dimly foreseen. It was the poverty of Canada alone which prevented the full logical development. While a preponderance on the side of Government, Milnes wrote, was so manifestly wanting in the Assembly, well-wishers of Government thought it a fortunate circumstance that the revenue was not equal to the expenditure. This condition of things should be preserved, in appearance at least, because, if the province was once induced to tax itself to the extent of its expenditure, the Assembly would claim the right of regulation and control; from which time the Executive Government would become dependent upon the will of a popular Assembly.

Revenue

At this time the revenue of Lower Canada was about £13,000, of which some £1,500 was received from the casual and territorial revenues of the Crown, along with fines, and the rest from the proceeds of the Customs duties. The expenditure was about £25,000, so that there was a large deficit which was made up by the British Government.

Education.

In 1801 a further attempt was made to settle the education question. The Anglican bishop of Quebec had proposed the establishment in the cities and large villages of free schools, where English might be taught. English members in the Assembly were unintelligible, speaking in their own language; and the bishop's proposals were heartily approved by the Governor and Council, and were embodied in a bill, which passed the Legislature. This remained, however, a dead letter, and no lands were appropriated for such schools. Had their establishment been attempted, they would have met with determined resistance from both the Roman Catholic hierarchy and the politicians, who had no intention that their countrymen should be Anglicized. The Roman Catholic clergy would never tolerate that the management of the schools should be handed over to a 'royal institution for the advancement of learning'. The lamentable results of such jealousies were seen at a later date. In 1823 it was found by a committee of the Assembly that in many parishes not more than five or six persons could write, and that not more than one-fourth of the entire population of the province could read, or more than one-tenth write, and that, for the most part, very imperfectly.

Prospect of war with United States.

Throughout these years war was in the air. There was the existing war between Great Britain and France; and the constantly increasing danger of war between Great Britain and the United States. Governors anxiously asked themselves what line the Canadians would take, in the event of war approaching their borders. We have seen that no great sympathy was shown in Canada with the beginnings of the French Revolution. The wild enterprise of one McLane, who attempted unsupported an invasion of Canada (1797), was a mere act of midsummer madness, and he might well have escaped execution on the ground of insanity. The authorities were in a state of nervous tension; but they remembered how small was the force of regular troops in the country. In 1799 a public subscription was opened on behalf of the British Government and received generous support. Milnes reported that the militia were not only willing to come forward in the numbers required, but volunteered to increase their numbers if necessary. A new Militia Act, in 1803, allowed the Governor to spend upon it an annual sum of £2,500. It was recognized that in a war with the United States the fidelity of the Canadians might be trusted; though the case might be different in the event of a French invasion.

Hitherto there had been little racial animosity; but in 1806 the train was laid which was to bring about a conflagration. In the previous year a question had arisen in the Assembly which sharply divided the agricultural and French interests from the mercantile and English. New prisons were required, and the minority, who paid the whole taxation of the country by means of Customs duties, demanded that the majority should contribute something in the form of a land tax. The majority, not content with gaining the day, proceeded to arrest a newspaper editor who had sharply criticized their actions. In this state of things a French-Canadian newspaper was for the first time started. Avowedly founded on the excellent pretext of preventing the real feelings of the Canadian people from suffering misrepresentation, and starting with expressions of sincere loyalty, in effect it became the organ of a crusade against the English element in the country, who were described as aliens and intruders.

Administration of Craig.

It was when this fresh development was in its beginnings that a new Governor, Sir James Craig, arrived upon the scene. A soldier, appointed because of the military situation, he judged all questions from the soldier's standpoint. Before he started from England he had formed the most gloomy conclusions with reference to the province's power of defence in case of attack. He was, moreover, the victim of an incurable malady, and surrounded by councillors who instilled distrust of the Canadian people. The consequences were such as might have been expected. We are told by the impassioned Garneau that Craig's period of rule was known as that of the reign of terror. No better case could be made for the general lenity of British government than that the indiscretions of this honest, though perhaps not very wise, soldier should be the worst instance of tyranny. Craig suppressed the *Canadien* newspaper, and imprisoned its six proprietors on a vague suspicion of treason. His action was almost certainly illegal, and undoubtedly unwise; but it must be remembered that suspicion was in the air, and that many of the doings of the Government in England at the time seem startling enough to the present generation. M. Bedard, the most eminent of these prisoners, deserves a place in Canadian history in that he seems to have been the first to throw out the suggestion of the need for a responsible ministry. There were, he said, ministers in fact if not in name, who advised the Governor. A ministry was a necessary wheel in the machinery of government. When it became necessary to drive these ministers out from the shade in which they lurked, the Assembly would find a way. The time had been even in England when ministers occupied a very different place. Had this clue been followed up at a later date, the bewildering maze of the subsequent history might have been more easily traversed.

First suggestion of responsible government.

Hitherto the relations between the various branches of the Legislature had been fairly satisfactory; but Craig's management of affairs aroused a spirit in the Assembly which could not afterwards be appeased. His one remedy was a dissolution, to which he resorted after scolding the Assembly as

Opposition of Assembly.

though they were naughty children. The new Assembly offered a surprise by undertaking to provide the funds for the full payment of the civil list. The English officials, who had no mind to come under the tender mercies of a popular Assembly, were aghast at the proposal; and Craig rejected it on the ground that it had not received the concurrence of the Legislative Council.

Government by local oligarchy.

We have seen that Dorchester foresaw the evils of a system which would create an *imperium in imperio* in the shape of an official class. It is impossible to describe that system better than in the words of the historian Christie, who was himself the victim of the French-Canadian majority, and not likely to be prejudiced against its opponents. The affairs of the colony, he writes, were 'guided or misguided by a few rapacious, overbearing, and irresponsible officials, without stake or other connexion with the country than their interests. . . . Servants of the Government, they seemed to imagine themselves princes among the natives . . . upon whom they affected to look down; estranging them as far as they could from all direct intercourse or intimacy with the Governor, whose confidence, no less than the treasury, it was their policy to monopolize. . . . They saw with dread, as a prelude to the downfall of their power, the offer of the Assembly to defray the necessary expenses of the civil government, which, of course, would carry the right of controlling those expenses, and necessarily divest the officials of the possession of the treasury, which constituted their greatness. . . . They wielded the powers and dispensed the patronage of Government without any of its responsibility, which rested entirely upon the Governor, while the country had no real or efficient check either upon him or them. In fine, the Governor, however unconscious of it he may have been, was really in the hands of, and ruled by, a clique of officials rioting on the means of the country . . . who, however obsequious to him in appearance, were nevertheless his masters. The Government was in fact a bureaucracy, and the Governor little better than a hostage, and the people looked upon and treated as serfs and vassals by their official lords.'[1]

Action of Assembly.

The Assembly was no doubt very inexperienced in politics, and, when it had a good case, was apt to fail to make the best use of it. Thus nothing could have been more reasonable than the desire to restrict the judges to their judicial duties. Some of them had seats in the Assembly and some in the Legislative Council, so that the desire to exclude them was natural enough. Unhappily, the Assembly was inclined to assert a power of expulsion which was absolutely illegal. It exercised such power in the case of a Jew, who had been duly elected, and when a bill to disqualify the judges, which had been approved by the home Government, was amended by the Council so far as to restrict its operation to future legislatures, it promptly expelled by resolution of the House a judge, named de Bonne, who was a member of the Assembly. Angry and harassed, Craig sought to cut the Gordian knot which he could not unravel. In a long dispatch to Lord Liverpool (May 10, 1810) he poured forth his troubles. At the same time his private secretary, Mr. George Ryland, was sent to England to induce ministers to accept his proposals. The Canadians, being completely French in language, religion, manners, and attachment, viewed the English, Craig wrote, with mistrust, amounting to hatred. Common intercourse scarcely existed between the two races. The democratic character of the Assembly appalled Craig. What could be expected of a body composed of lawyers, shopkeepers, and farmers, some of whom could neither read nor write? How could Government obtain an influence over blacksmiths and millers? The first and obvious remedy was to suspend the Constitution. An eminent Churchman was reported to have said in 1791: 'You do not know my countrymen. . . . Once let the rein

Craig's appeal to home Government.

---

[1] Christie, *op. cit.* vol. i, pp. 347–50.

Democratic character of Assembly.

loose, and be assured they will never know how to stop.' Yet the interests of no inconsiderable portion of the concerns of the British Empire were in the hands of six petty shopkeepers, twelve lawyers, fifteen ignorant peasants, a blacksmith, a miller, a doctor, an apothecary, together with four so far respectable people that they did not keep shops. But such, apart from the English members, was the constitution of the Assembly. Craig advised that, if the drastic measure of ending the Assembly were rejected, a high property qualification for membership should be imposed. At the same time he urged that the right of Church patronage which had been reserved in theory, but in practice had been allowed to the Roman Catholic bishop, should be exercised by the Crown.

Ryland's mission.

In addition to these two measures, Ryland, who arrived in England in July, 1810, urged that the Executive Government should be made independent of the people by the appropriation to its support of the revenue of the Sulpicians and of the Jesuits. The story of Ryland's fruitless endeavours to make busy officials keenly alive to the Canadian Government's grievances is even now entertaining reading. There was from the first no hope that ministers would accept Craig's simple method of solving constitutional difficulties. A reunion of the two Canadas was within the range of practical politics, but beyond this the Government was not likely to go; though Ryland might gird at the 'namby-pamby system of conciliation', and 'that desperate line of policy, which would make it necessary for a firm and dignified representative of his Majesty to apologise to a band of contemptible demagogues for having frustrated them'. It would seem that the draft of a dispatch claiming the right of the Crown to the Sulpician estates, as well as to the patronage of the Roman Catholic Church, was approved by the Government, but was at the last not sent owing to the scruples of the Lord Chancellor, Lord Eldon.

But while Ryland was busy at work, his chief, *territus fatis*, had already resigned his command. No situation could be more pathetic than that of a soldier obliged to leave his government because of the imminence of war, the state of his health forbidding active service. Craig's successor, Sir George Prevost, came out in 1811 with the determination to introduce a new policy. Ryland's own position was a somewhat ludicrous one—suspended in mid-air as the agent of a principal whose political existence was finished, and compelled by private considerations to accept office under a chief whose political professions he cordially loathed. The British Government, with the prospect before them of war with the United States, was naturally inclined to look with favour upon Prevost's policy of conciliation. There was force in the new Governor's contention that the political altercations, which had hitherto been carried on by the Governor in person, should be transferred to the Legislative Council. A strong Upper House, possessed of the consideration of the country from the fact that a majority of its members was independent of the Government, would act as a buffer to the Governor. Such reasoning was not to the taste of Mr. Ryland. He looked with distrust on the new members added to the Council, and noted with rage that the arch sedition-monger, M. Bedard, had been rewarded by a judgeship!

Sir G. Prevost's policy of conciliation.

It remains a doubtful question how far Prevost's well-meant efforts at conciliation might have been rewarded with permanent success. Not very long after his arrival the long-threatened war broke out with the United States, and thenceforth for the next two years the contests of the toga were, for the most part, forgotten in the clash of arms.

AUTHORITIES

On French republican designs on Canada, see Brymner, *op. cit.* 1891.

Life and Times of Governor Simcoe, by D. H. Read, Q.C.

The life of Simcoe as well as that of Dorchester has been written in the 'Makers of Canada Series'. It is by D. C. Scott, 1905.

Christie, *op. cit.* vol. i, deals with period in question; vol. v, pp. 391–418, gives Craig's dispatch to Lord Liverpool of May 1, 1810; vol. vi, pp. 117–344, relates to the Ryland Mission.

The dispatch from Milnes mentioned is set out in Brymner, *op. cit.* 1892, Note B, and in Egerton and Grant, *op. cit.* A letter from the Anglican Bishop of Quebec to the Lieutenant-Governor on ecclesiastical affairs is printed in the same volume of Brymner, Note C.

The State Papers between 1792 and 1800 are calendared in Brymner, *op. cit.* 1891, those between 1801 and 1807 in the volume for 1892, and those between 1808 and 1813 in that for 1893. See also *Documents relating to the Constitutional History of Canada*, 1791–1818, ed. by A. G. Doughty and D. A. McArthur, 1914.

Travels through the Canadas, by G. Heriot, London, 1807, gives a lively account of the then state of things.

CHAPTER V

UPPER CANADA TO THE WAR OF 1812

The Settlement of Upper Canada.

When the great bulk of the American loyalists were going to Nova Scotia, Haldimand caused new townships to be surveyed at Cataraqui (Kingston), and along the bay of Quinté on Lake Ontario, at which were established disbanded troops and their families. The haste to get the land surveyed led to grave mistakes in the execution of the work. The loyalists and soldiers that settled in Western Canada in the years 1783–5 were estimated to be some ten thousand. From these beginnings arose the future province of Upper Canada. The land was virgin soil, having no French population except a few on the Canadian side of the Detroit river. It was at first almost a wilderness covered by thick woods; but as time went on the forest became more and more interspersed with detached settlements formed by the American loyalists. Under an Order in Council of November, 1789, the children of loyalists received each a grant of two hundred acres of land; the sons on reaching twenty-one, the daughters on their marriage. All American loyalists who had joined their fortunes to Great Britain before the Treaty of 1783, and their children, were to be distinguished by the letters U. E. (United Empire). This distinction, greatly cherished, formed its holders into a kind of informal aristocracy.

Success of Constitutional Act.

At first the French system of land-tenure and the absence of any kind of popular government deterred Americans, accustomed to a vigorous political life, from making Western Canada their home. It was, as we have seen, to remedy this that the Constitutional Act of 1791 was passed. Whatever its merits in other respects, that Act was at least successful in promoting emigration to Upper Canada. The Act may not have 'established', in Simcoe's words in opening the Legislature on September 17, 1792, 'the British Constitution and all the forms which secure and maintain it'; but it contained within it that power of development which is the peculiar merit of English institutions.

System of roads.

Reference has already been made to Simcoe's work as a road-maker. The communication between Lake Ontario and Lake Huron was improved by making a road thirty miles long from York to Lake Simcoe. A grand military road from one end of the province to the other was surveyed and named Dundas Street, and a small portion of it was constructed. Some pioneers even settled along the proposed road, but, when the guiding hand of Simcoe was removed, the project was allowed to lapse. We have seen that Simcoe was a thorn in the side to Dorchester, and that, in his zeal for his own particular province, he was unable to take just views of the interests of Canada as a whole. Even when Upper Canada was alone concerned, his artificial scheme of military settlements was probably unwise. Still, whatever his failings, Upper Canada has reason to remember kindly the active Lieutenant-Governor, whose worst faults were due to his zeal for her interests.

Toronto.

At first Newark, by the river Niagara on Lake Ontario, had been the chief town of the district, but when Upper Canada was constituted a separate province, the old French trading post of Toronto, which was christened York by Simcoe, became (in 1794) the capital. The position of Toronto was stronger than that of Newark. It was flanked by the Don and the Humber, had a good harbour, and was further removed than was Newark from the American border. At the time there was not a little grumbling over the choice. The town, wrote the Chief Justice in 1797, was nearly forty miles beyond the most remote of the settlements at the head of the lake, and the road to it lay through a tract of country in the possession of Indians. The accommodation was so poor that the greater part of those whose business or destiny called them thither must either remain in the open air or be herded together in huts or tents. A lady described it in 1798 as a 'dreary, dismal place, not even possessing the characteristics of a village'. There was no church, no school-house, nor any of the ordinary signs of civilization. For years York remained a very small place, and as late as 1804 there was a complete absence of public offices. The Executive Council itself met in a small room in the clerk's private house, where (*proh pudor!*) their private discussions might be overheard.

American and Scottish immigration.

It might be expected that a province peopled by the most faithful of loyalists would not prove difficult material for their English governors; but, side by side with the immigration of loyalists, there followed, on the granting of the Constitution, a considerable influx of Americans, who came, as Americans are coming to-day into the western provinces, simply with the purpose of bettering their fortunes. These men were by no means of necessity disaffected to the British Government, but they found themselves in natural opposition to the high Tories in office. Further, from 1798 onwards, a stream of emigrants began to flow from the British Isles, for the most part from the Scottish Highlands. The circumstances of the country were such as in any case to level social distinctions. Simcoe reported, before any Americans had arrived in the province who were not loyalists, that the general spirit of the country was against the election to the Assembly of half-pay officers, and in favour of men who dined in common with their servants. 'Improper or futile' measures were already, according to the Lieutenant-Governor, freely advocated.

Upper Canadian legislation.

Almost the first act of the Upper Canadian Legislature had naturally been to abrogate the old French law and establish the English system. But the English law was by no means always well suited to the needs of a province in its making. Thus the English law as to marriage was difficult to put in force, where clergymen of the Church of England were very few and scattered. The Assembly sought to recognize as legal irregular marriages which had been caused by the difficulties in the way of legal marriage, a rough and ready method of going to work, which shocked the English notions of the time.

Government of Upper Canada.

But little is known of the history of Upper Canada in the years which immediately followed Simcoe's resignation. Until the arrival of a new Lieutenant-Governor the senior member of the Executive Council, Peter Russell, acted as administrator, and there was a widespread opinion that he knew how to feather his own nest in the matter of land grants. When the Lieutenant-Governor, General Hunter, arrived in 1799, he found that Russell would have granted lands to the devil and all his friends (as good loyalists), provided they could have paid the fees. Upper Canada, having no seaboard, could only receive goods from Great Britain which had passed through Lower Canada. It was therefore essential that an arrangement should be arrived at with regard to the proceeds of the duties imposed by the Lower Province. At first the proportion assigned to Upper Canada from the amount raised by duties upon goods thus imported was one-eighth. There was besides a small revenue from local taxes and duties. Although the total expenditure of the province was more than could be met from the local revenues, the Assembly possessed the right to appropriate the revenue raised by taxation or received from Lower Canada. In 1803 and 1804, however, Hunter, without consulting the Legislature, charged certain disbursements against this revenue. Notice of this was not taken till after Hunter's death in 1805, when the temporary administrator of the government, who had neither the tact to conciliate nor the strength to overawe the

Constitutional disputes.

Assembly, was the recipient of an indignant protest, which ushered in the contests of a later time. The guiding hand in the agitation seems to have been that of an Irish adventurer, Thomas Thorpe, who had been appointed to a judgeship in Upper Canada, and from his arrival in 1806 threw himself eagerly into the game of politics. Thorpe had private friends amongst the London officials, and his character may be gauged from his correspondence with these. He accused Hunter of having nearly ruined the province. There were no roads, bad water communication, no ports, no religion, no morals, no education, no trade, no agriculture. Thorpe emphasized his own capacities for making smooth the path of government, the condition being hinted that he should be made Chief Justice. He secured his own political position by making his charges to the grand jury party manifestoes. His next step was to become a member of the Assembly; but his professions of radicalism were in that body before their time. The new Lieutenant-Governor, Francis Gore, who arrived in 1806, was a narrow-minded official of the old school, and saw in Thorpe a dangerous firebrand. On his complaint Thorpe was suspended from office, and a successor appointed. He received an appointment in Sierra Leone, so that his game of blackmail had hardly proved profitable.

Conduct of Thorpe.

In fairness to the provincial authorities it must be remembered that during these years events were moving in the direction of war. It was a disquieting thought that large portions of the province were occupied by men who might be enemies in the event of that war breaking out. The United Empire loyalists held the ground from Kingston to Lower Canada and about Niagara and Long Point, but, except the Glengarry Scottish Highland immigrants, who were loyal to the Crown, the rest of the population came for the most part from the United States. Before the war itinerant preachers, enthusiastic in political as well as religious

Danger from American immigrants.

matters, were in the habit of entering Upper Canada from the States, and, in the absence of a clergy, received a cordial welcome. These men were accused of diffusing republican opinions.

Natural line of trade to the south.

Moreover, it should be remembered that the natural channel of trade for Upper Canada was rather with Albany and the American towns rising up along Lake Erie, of which Buffalo was the chief, than with Montreal or Quebec. Many of the United Empire loyalists had entered the province by way of Albany and western New York while the obstructions caused by the rapids along the St. Lawrence rendered trade with Lower Canada precarious and difficult. In this state of things the position of Great Britain was in many ways more vulnerable in Upper than in Lower Canada, and the determination to make it the first point of attack in the war of 1812 may be justified on political grounds. It is difficult now to realize the greatness of the danger, because it was warded off by the genius and energy of Brock.

AUTHORITIES

The official correspondence between 1792 and 1800 is calendared in Brymner, *op. cit.* 1891; between 1801 and 1807 in volume for 1892, and between 1808 and 1813 in that for 1893. See also Doughty and McArthur, *op. cit.*

Brymner, *op. cit.*, on 'Marriage Law in Upper Canada', 1891; on 'Political State of Upper Canada, 1806–7', 1892.

History of the Settlement of Upper Canada, by W. Canniff, Toronto, 1869, deals with the beginnings of that province.

See Kingsford, *op. cit.* vol. vii, pp. 511–20.

Heriot, G., *op. cit.*

CHAPTER VI

THE BEGINNING OF MANITOBA

Western expansion.

CANADIAN expansion is like the experience of a traveller who, as he pursues his course, finds new vistas opening to the view. In spite of the adventurous spirit of the fur traders and the existence of certain posts in the western country, French Canada had, as we have seen, been circumscribed within the limits of only a portion of the present province of Quebec. The settlement of Upper Canada naturally extended the horizon. The future had in store the colonization of the great area extending to the Pacific, and the first efforts, however feeble, in this direction belong to our present period.

Journeys of Mackenzie.

In 1789 Alexander Mackenzie, a vigorous Scotchman, who was in command of the Athabasca district under the North-West Company of Fur Traders, starting from Lake Athabasca, went down two hundred miles along the rapid Great Slave River in a light canoe till he reached the Great Slave Lake. From this he went down the great river which afterwards received his name till he came to the ocean. Within three months of his departure he was back at Lake Athabasca, having discovered one of the four largest rivers of America, and begun the opening out of new regions for the enterprise of Great Britain. In the spring of 1793 Mackenzie set out on a yet more adventurous journey. He had determined to reach the Pacific by crossing the Rocky Mountains. He was without a guide and accompanied only by six Canadian voyageurs and two Indian interpreters. Ascending the Peace River westward to its source, he at first descended a river to the south-west, but afterwards struck north-west by land, reaching the Pacific somewhere about the mouth of Simpson's River. He took possession of the country in the name of Canada, inscribing upon the cliffs of the coast the date July 22, 1793.

The fur trade.

Great as was the future importance of these discoveries, since the Rocky Mountains had never before been crossed north of Mexico, it was not for many long years that their consequences were realized. In his own time Mackenzie was best known for his connexion with the fur trade. For some years after the Seven Years' War this trade had languished, but by 1766 English adventurers began to follow along the French route, which passed by Michillimackinac, at the junction of Lakes Huron and Michigan, and Sault Ste. Marie to the Grand Portage on the north-west side of Lake Superior. The fur trade with the upper country had always been the staple trade of Canada, and by 1780 it produced an average annual return of about two hundred thousand pounds in furs to Great Britain, and no less than a hundred canoes were employed in it. An outbreak of small-pox among the Assiniboine Indians stopped the trade for two years; but in 1783–4 the merchants engaged in the fur trade, tired of constant conflicts, formed a partnership, which became the famous North-West Company. It was determined at once to proceed to the north, and to erect forts there, so as to divert the trade of the Hudson's Bay Company. Not all the traders, however, had joined the North-West Company, and it was not till after the carrying on of a kind of private war that, in 1787, the rival interests at last came to terms. Forts were erected at regular distances along the route from the Grand Portage to the Great Slave Lake, with the intention of ruining the fur trade of the Hudson's Bay Company. There can be no question that contact with the servants of the North-West Company was the cause of great demoralization among the Indians. In these remote districts men of naturally wild disposition, released from the trammels of civilization, acted with no fear of God or man before their eyes. After eleven years of peace, rivalry again broke out, and in 1805 an offshoot of the Company known as the X.Y. Company entered the lists.

Selkirk's colonization scheme.

It was into this den of lawlessness and private war that Lord Selkirk, a Scottish landowner who sympathized with the sufferings of Scottish crofters, ventured to thrust a party of peaceful colonists; and from these difficult beginnings was to spring the future province of Manitoba. As early as 1802 he had predicted the future of the country. 'At the western extremity of Canada,' he wrote to Lord Pelham, 'upon the waters which fall into Lake Winnipeg . . . is a country which the Indian traders represent as fertile and of a climate far more temperate than the shores of the Atlantic under the same parallel.' Having failed in his efforts to interest the British Government in his scheme for colonizing the north-west, Selkirk next sought to effect his purpose by means of the Hudson's Bay Company. A legal opinion was obtained from Romilly and other eminent counsel, which advised that the Hudson's Bay Company could confer rights of ownership on holders of lands acquired from them. The next step was to secure a large amount of stock in the Hudson's Bay Company; and, although friends of the North-West Company sought to defeat his object by adopting similar methods, Selkirk succeeded in obtaining from the Hudson's Bay Company the grant of some hundred thousand acres, on the condition that he should undertake the whole cost of the proceedings in the way of transport, settlement, and government, and of negotiations with the Indians. The district was named Assiniboia, and included the valley of the Red River and of the Assiniboine.

Arrival of first settlers.

The first party, consisting of some ninety, for the most part Scottish Highlanders, arrived at York Factory on Hudson's Bay in the autumn of 1811, and reached the Red River in the following year. Very few colonists were sent out in 1812, but in 1813 another party consisting of about one

Action of North-West Company.

hundred arrived at Churchill, reaching Red River in the following June. Meanwhile the North-West Company had not been unobservant. Such a settlement, it was recognized, struck at the root of its monopoly, and was intended as a menace to its interests. At first the relations of the colonists with the half-breeds who were in the country were very friendly. The Governor, Miles MacDonell, a Scotch Catholic, sent a number of colonists, during the first and second winters, down to Pembina, some seventy miles south of Fort Douglas; where they lived on excellent terms with Canadians, half-breeds, and Indians.

Outbreak of hostilities.

A Proclamation, issued by MacDonell in January, 1814, gave the excuse for active opposition. By this he forbade the export of any provisions from the district claimed in the name of Lord Selkirk, under pain of the forfeiture of such provisions. At first an arrangement was made under which the agents of the North-West Company were allowed to export provisions on the undertaking that they would supply equal quantities at a later date, if necessary; but this arrangement was not sanctioned by the Company. The plan had been formed to inveigle away as many of the Red River settlers as possible, and then to hound the Indians against the weakened settlers. When MacDonell found that, through the action of the North-West Company, his Proclamation remained without effect, he entered upon a policy of reprisals, sending an expedition to take by force the provisions stored at Fort La Souris, about one hundred and fifty miles from Fort Douglas, on the Souris River. The North-West Company determined upon revenge. Fort Gibraltar, in the neighbourhood of Fort Douglas, was occupied by Duncan Cameron, a confidential servant of the Company. Alexander MacDonell, who was in charge of Fort Qu'Appelle, wrote in August 1814, 'you see me and our mutual friend Cameron about to commence open warfare with the Red River enemy. . . . There are those who will only be satisfied with the complete ruin of the colony, no matter by what means, which is much to be desired if it can be effected. So I am working for it with all my heart.'

Destruction of settlement.

About three-fourths of the colonists were artfully persuaded to leave the country, while force was employed against the remainder. Driven from their homes, they were on the road to Hudson's Bay, when they met an agent of Lord Selkirk, who induced them to return. A considerable influx of settlers in the following autumn did not avail to make the colonists a match for their enemies, and in June, 1816, they were again fugitives from Fort Douglas. Governor Semple and twenty-one others were killed in the attack made by the North-West Company's men.

Selkirk's action.

Meanwhile Lord Selkirk, who landed in New York on November 15, when he heard of the first destruction of his colony, hastened to Montreal, and applied for assistance from the Government. The influence, however, of the North-West Company was great, and his request was refused. Selkirk proceeded to engage one hundred discharged soldiers as settlers, with whom he proceeded to the Red River. At Sault Ste. Marie he heard of the disaster of June 19. He wrote at once to the Governor, Sir John Coape Sherbrooke, that he should exert his powers as a magistrate in dealing with the offence. Hastening to Fort William, he at once issued warrants of arrest against several members of the North-West Company. The fort was seized and the members of the North-West Company made prisoners and sent to Upper Canada. In January, 1817, Selkirk for the first time visited the site of his colony. A remnant of the settlers was restored to their homes, and a treaty was made with the Indians, who by no means shared the animosity of the North-West Company.

Case in Law Courts.

The battle was now transferred to the law courts, where the influence of the North-West Company was very great. Several of its partners were members of the Executive Council, and were related by marriage or otherwise to occupants

Influence of North-West Company.

of the judicial bench. Lord Selkirk was, in fact, tilting against the powerful interests which formed 'the family compact'. The Church militant was to the fore in the shape of Dr. Strachan, a vigorous Churchman and politician, who left deep marks upon the history of Upper Canada.

A warrant was obtained for Selkirk's arrest, but he ignored it on the ground that the process was irregular and surreptitious. This act of contumacy provoked both Sir John Sherbrooke and the Secretary of State, Lord Bathurst. The latter threatened to invoke the aid of Parliament. It was admitted by the Governors of both the Canadas that it was impossible to obtain two impartial commissioners from either province to inquire into the whole matter. Nevertheless the report of one of the commissioners appointed by no means acquitted the North-West Company. The foundation of the whole evil, it was said, was to be traced to that violent spirit which was nurtured by the species of monopoly that the North-West Company had established and continued to maintain in the Indian territories by physical power rather than by fair advantage derived from capital or connexion. The various illegal measures taken to crush adventurers who attempted to oppose this monopoly were notorious, whilst the bad effect of such monopoly on the character of individuals had been glaringly exhibited by the late events.

Report of commissioner.

Profits of Company.

The profits which the North-West Company was determined to keep to itself were in truth no small ones. Exclusive of the large sums made by agents, an annual profit of forty thousand pounds was made on the share capital. The North-West Company was the most powerful of Canadian institutions, whereas the Hudson's Bay Company was regarded askance, as representing English and alien interests; so that, when the struggle came within the purlieus of the Canadian Courts, it was not difficult to predict the issue. Apart from this, the appointment of Miles MacDonell as Governor had never been approved by the King, as was required by statute, nor had he ever taken the due oaths of office. Selkirk was convicted at York of resistance to lawful arrest; while one of the partners of the North-West Company obtained a verdict against him for false imprisonment. Of the forty or fifty persons, against whom true bills were found in the assault upon Fort Douglas, not more than nine could be brought to trial, and these were the least guilty. Selkirk was contending not only against a powerful association, but against the Government itself. The unequal contest may have hastened his death, but some of his colonists still remained in the country, and if, in other causes besides religion, the sacrifice of martyrs is not made in vain, the rich harvests of Manitoba will always recall the memory of its first pioneers.

Outcome of contest.

AUTHORITIES

Voyages from Montreal through the Continent of North America, 1789 and 1793, by A. Mackenzie. London, 1801.

Les Bourgeois de la Compagnie du Nord-Ouest, par L. F. R. Masson. Quebec, 1889-90.

The Canadian West, translated from the French of Abbé G. Dugas. Montreal, 1905.

Narrative of Occurrences . . . since the Connexion of the Earl of Selkirk with the Hudson's Bay Company. London, 1817.

Manitoba, by G. Bryce. London, 1882.

Parliamentary Papers, 1819, 'Red River Settlement.' See also Brymner, *op. cit.* 1897, Note D.

Lord Selkirk's Work in Canada, by Chester Martin. Oxford, 1916.

CHAPTER VII

THE WAR OF 1812

The war of 1812 marks a turning-point in Canadian history. Hitherto the life of these provinces had been a somewhat inglorious one. Governor after Governor had confessed that they existed through the sufferance of their southern neighbour. Lord Dorchester, who had tried to fan into a flame a spirit of imperial patriotism amongst the French Canadians, had found his efforts unavailing in the damping atmosphere of English prejudice and jobbery. In Upper Canada, indeed, the United Empire loyalists were strong in their devotion to Great Britain, but they were few in number and surrounded by American newcomers. Craig had arrived at the conclusion that Quebec was the only place in Canada which could be defended. Even if reliance could be placed on the militia, military stores were wofully deficient. Brock, who was in command in Upper Canada, wrote to Prevost, in February, 1812, that there was not a single position in Upper Canada which could be considered a safe dépôt; and the general impression had been that in case of war no opposition to an invasion by the Americans was intended. The appointment to the post of Administrator and Acting-Governor of Upper Canada of a strong man like Isaac Brock, and the active preparations which followed, put a new spirit into the population. Brock was very anxious with regard to American influence in the Assembly and elsewhere, but recognized that the best policy was to act as if no mistrust existed. Unless the inhabitants gave an active and efficient aid, it would be impossible for the regular troops to preserve the province.

The actual issue of events was very different from that which had been expected. At sea the power of the British navy was never adequately brought to bear, except by sweeping the rising commerce of the United States from the seas, and isolated actions of single ships appeared to leave the honours of war rather with the Americans. On land, on the other hand, the splendid services of the British troops, largely consisting of militia, in both provinces, were such as to make the war of 1812 a glorious memory to patriotic Canadians, the blood-pledge of the birth of a nation. At the same time, the political circumstances of its origin and its inglorious conclusion, so far as British leadership was concerned, have made it for Englishmen a somewhat painful episode to be explained away.

Issue of war.

The two ostensible causes of the war of 1812 were the Orders in Council directed against neutral commerce and the impressment of British subjects on board American vessels. The Orders in Council of 1807 were the British counterblast to Napoleon's Berlin decree of 1806. Under the latter, the British Isles were declared to be in a state of blockade, and all correspondence and commerce with them was prohibited. By the Order in Council of January, 1807, neutrals were forbidden to make use of any port which did not allow British trade thereat. A further Order in Council of the same year declared all such ports to be subject to blockade. Confronted with this state of things, Thomas Jefferson, the President of the United States, forced through Congress an embargo bill, under which American ships were detained at home. The embargo, however, was difficult to enforce, in the face of the active hostility of a large section of the people, and some other remedy had to be found. An unauthorized and premature withdrawal of the Orders in Council made (in 1809) by the British Minister at Washington, Mr. Erskine, and promptly disowned by the home authorities, did not mend matters; and his successor was on such bad terms with the Washington

Government as to be dismissed. In 1809 the area over which the blockade held good was greatly restricted, and in 1810 it seemed as though the tension would be relieved, Napoleon undertaking to revoke the Berlin and Milan decrees if the Orders in Council were withdrawn.

Feeling in United States.

Meanwhile, however, in the United States the feeling against Great Britain was gathering strength. It is true that the people of New England were generally of opinion that a war with Great Britain would be both unnecessary and unjust, and that a powerful minority in most of the States were in favour of peace. But it cannot be denied that the conduct of Great Britain was high-handed and galling to a proud and sensitive people, and that the claim to impress British subjects in American ships was one which, though probably necessary, was certain to lead to trouble. It seems clear that the announcement of the French revocation was purposely delayed so as to drive the Americans into war. The moment was assuredly a critical one for Great Britain. Napoleon's Russian expedition was on the point of starting, the event of which would probably decide the fate of the world. The issue of the Peninsular War was still in doubt, and British statesmen may well have argued that, if things went wrong in Europe, a little more or less disaster would hardly count in the general downfall; while, if Napoleon were conquered, it would be no difficult matter to recover ground lost in America. Whatever be the reason, at the time of the breaking out of the war, the regular troops in Canada consisted of some four thousand five hundred men, of whom only fifteen hundred were stationed above Montreal. As some compensation, the unpopularity of the war with great sections of the people paralysed the arm of the United States. Party divisions renewed themselves in the councils of generals and amongst the common soldiers. Massachusetts refused to furnish its militia, and many of the men who came from other States refused to cross into Canada, and deserted the ranks. Brock himself

Critical situation of Great Britain.

bore witness, in a letter to his brother (dated September 18, 1812), that his attempts at defence would be unavailing if the Americans were of one mind. With justice he hoped that their divisions would be the safety of Upper Canada.

Declaration of war.

War was declared by the United States on June 18, 1812, and the news arrived in both Lower and Upper Canada on the 24th. In Lower Canada, Prevost, by obtaining the assent of the Legislature to the issuing of army bills payable in Government bills of exchange on London, greatly relieved the financial situation. The Assembly cheerfully granted the sum of fifteen thousand pounds annually for five years to pay the interest on these bills, which were authorized to the extent of two hundred and fifty thousand pounds. Had Upper Canada waited for the official announcement of the war, the news would have come in the shape of actual invasion, but an agent of the North-West Company brought the tidings. Early in July an army of about two thousand men under the American general, Hull, marched to Detroit. A detachment crossed the Canadian frontier and occupied Sandwich on July 12, the British retreating to Amherstburg on the Detroit river at the north-west end of Lake Erie. In a magniloquent Proclamation Hull denounced the employment of Indians, and posed as the rescuer of the Upper Canadians from British tyranny. In this attitude Hull was no doubt perfectly honest. The knowledge that Upper Canada contained many Americans, and the strong prejudice which then prevailed in the United States against monarchical institutions, caused the Americans to regard themselves in the light of deliverers. They resembled the French republicans who marched ready to embrace subject peoples, and shoot down such as would not be embraced.

Invasion of Canada.

We know from Brock's letters how serious he thought the situation throughout July. In his bitterness he wrote that the population was essentially bad. Legislators, magistrates, and military officers were all possessed by a feeling of

Situation in Upper Canada.

sluggish despair. He complained that the Assembly thwarted his measures and wasted time in idle controversy. He reported to the Council that insubordination had broken out among the militia, and that some had shown a treasonable spirit of neutrality or disaffection. He found himself compelled to prorogue the Assembly and to proclaim martial law. Fortunately, at this critical moment Brock's genius grasped the fact that only by a bold offensive movement could the British forces make good their inferiority in numbers. Political considerations forbade offensive action on a large scale, but the American Fort Michillimackinac was surprised on July 17; and a little later Hull's communications by land and water were interrupted and he was for the time isolated at Detroit. Desperate measures necessitating desperate remedies, Brock determined at once to attack Detroit. With about 700 troops and 600 Indians, Brock, 'without the sacrifice of a drop of British blood,' obtained the surrender of a town held by 2,500 men with 25 pieces of ordnance.

Diplomacy of Prevost.

But while in the west the war was begun with success to British arms, diplomacy was strengthening the hands of the United States. The position of Prevost was difficult. He deplored 'the infatuation' of ministers upon American affairs, and complained that he was left entirely to his own resources. Accordingly he considered it necessary to restrict, as far as possible, the area of operations. His eye was fixed upon the situation in the United States, and he carefully refrained from any act which might make the northern States hostile to Great Britain. The Orders in Council had been the avowed cause of the war. When, therefore, the news of their suspension reached Canada in August, it seemed reasonable to propose an armistice, pending peace. None the less, the armistice worked in favour of the United States by giving the Americans time to regain confidence, and to organize a naval force upon the lakes.

Naval power on lakes.

It had been recognized on both sides that the key of the situation in Upper Canada lay in obtaining ascendancy upon the Lakes Ontario and Erie; but neither Power had as yet taken the necessary measures. The interval of the armistice was employed by the Americans in pushing up stores and troops to Niagara, and converting their boats at Sackett's Harbour on Lake Ontario into ships of war. The armistice came to an end on September 8, and on October 13 a determined attack was made by the United States forces upon Queenston, situated on the Niagara river some eight miles from Lake Ontario. The news of the intended attack had leaked out, and the British were prepared. The enemy landed about daybreak, and were successfully resisted, but, on the troops who had been stationed on the hilltop descending to prevent the Americans from landing, the heights were occupied by an American force, which may have landed while it was dark and remained hidden behind the rocks. It was in endeavouring to dislodge these that Brock lost his life. The small British forces were hard pressed, but the arrival of reinforcements under Major-General Sheaffe, the second in command, decided the issue of the battle. Many of the American militia refused to cross the river in support, so that the American troops were obliged to surrender. But the victory was dearly purchased by the loss of the leader, whose presence was worth many battalions. After another armistice, a third invasion of Canada by a new general proved as abortive as its predecessors.

Attack on Queenston.

Operations by Procter.

The year 1813 opened auspiciously to the British. In January an American division, advancing from the river Raisin upon Sandwich, was attacked by Colonel Procter at Frenchtown, and compelled to surrender. Procter attempted to pursue his advantage by attacking General Harrison, who was entrenched at Fort Meigs on the Maumee, about twelve miles from its mouth. The attempt ended in failure, and Procter withdrew to Amherstburg in May. In the preceding

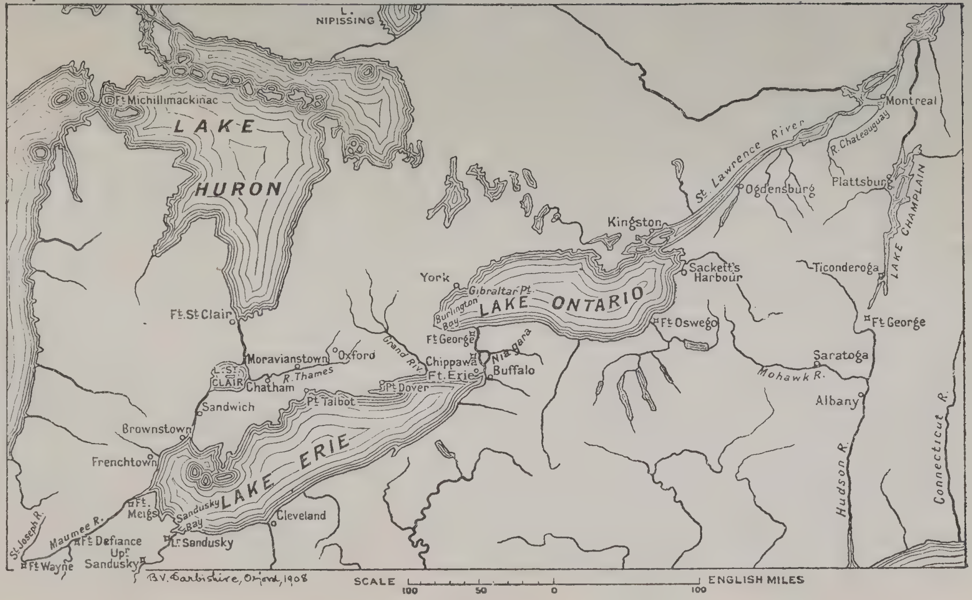
February a daring attack by the British upon Ogdensburg, across the frozen St. Lawrence, met with complete success. But with the opening of navigation the naval preparations made by the American Commodore, Isaac Chauncey, soon altered the complexion of affairs. It had been intended to attack Kingston, the main British dépôt, and, though this was abandoned, an expedition sailed in April against York, which was practically unfortified. General Sheaffe retired in hot haste, and York was surrendered. The massing of some 7,000 American troops at Niagara compelled the abandonment of Fort George and Fort Erie, and secured to the Americans the mastery of the Niagara border from Lake Ontario to Lake Erie.

Capture of York.

Prevost had repeatedly called the attention of the home authorities to the necessity of holding the supremacy on the lakes, and a very able officer, Commodore James Yeo, arrived in the spring to command the British forces. He found the Americans, already superior, gaining in strength, so he determined to risk a battle. Before, however, he could act, the joint naval and military operations of the Americans had necessitated the abandonment of the British forts. An attack upon Sackett's Harbour in the absence of the American fleet only just failed (May 28), partly owing to ill luck and partly, as was alleged, to the want of vigour on the part of Sir George Prevost, who was in command.

Failure of attack upon Sackett's Harbour.

In the beginning of June an American force left Niagara to drive the British from their encampment at Burlington Heights, on the south-west of Lake Ontario, whither they had retreated from Fort George. The gallant Colonel Harvey, who afterwards proved himself, in the Maritime Provinces, one of the wisest of colonial Governors, recognized that now should be put in practice his advice to Prevost, that only by a series of bold, offensive operations could inferiority of numbers be made good. He obtained from the General in command consent to a night attack on the enemy at



Map to illustrate the War of 1812. From a contemporary Map drawn and published by John Melish of Philadelphia

L. NIPISSING
Ft Michillimackinac
LAKE HURON
Ft St Clair
L. ST. CLAIR
Moravianstown
Oxford
R. Thames
Chatham
Sandwich
Brownstown
Frenchtown
Grand Riv.
LAKE ERIE
Pt Talbot
Pt Dover
Ft Erie
Chippawa
Ft George
Niagara
Buffalo
York
Gibraltar Pt
Burlington Bay
LAKE ONTARIO
Kingston
St. Lawrence River
Ogdensburg
Sackett's Harbour
Ft Oswego
Montreal
R. Chateauguay
Plattsburg
LAKE CHAMPLAIN
Ticonderoga
Ft George
Saratoga
Mohawk R.
Albany
Hudson R.
Connecticut R.
Cleveland
Sandusky Bay
Lr Sandusky
Upr Sandusky
Ft Meigs
Maumee R.
Ft Defiance
St Joseph R.
Ft Wayne
B.V. Darbishire, Oxford, 1908
SCALE
100
50
0
100
ENGLISH MILES

Stoney Creek.

a place named Stoney Creek, about seven miles from the British camp. The attack (June 5) was brilliantly successful, the enemy being completely surprised and driven from their camp. This success restored the *moral* of the British troops, and proved the turning-point of affairs on the Niagara frontier. The British were now able to advance so as to be at hand to support Yeo and his fleet. Harvey, at least, clearly recognized that without that fleet the British position was untenable.

Battle of Lake Erie.

In the west, in the same way, the issue of events depended upon the mastery of Lake Erie. As the American force grew in strength, Procter recognized the weakness of his position. Captain Robert Barclay, who was in command of the British fleet, although he knew his inferiority, risked a battle (September 9), which ended in the annihilation of the British fleet.

Procter's retreat.

The battle of Lake Erie compelled Procter's retreat from Amherstburg. After a delay of ten days he retreated along the road which ran due north along the Detroit river to Sandwich, then eastward along the southern shore of Lake St. Clair to the mouth of the river Thames, and afterwards along the course of that river. The Americans in pursuit came up with Procter, at Moraviantown, on the Thames, on October 5. The contest was soon over, the British troops being obliged to surrender. Among the other losses of this disastrous day was the death of Tecumseh, the brilliant Shawnee chief, whose chivalry and skill made him the finest soldier whom the Indian tribes have ever produced. Procter, who had never reached the front, escaped 'by the fleetness of his horse'; but the large amount of private baggage was a juster ground of condemnation. The court martial, which afterwards considered the case, found Procter guilty of having neglected the necessary measures for the retreat. He was sentenced to be publicly reprimanded, and to be suspended from rank and pay for six months. The Duke of York, Commander-in-Chief, took a yet more serious view of Procter's conduct, and expressed his extreme disapprobation.

Plan of campaign against Montreal and Kingston.

Meanwhile a new American general, Wilkinson, took up the command at Sackett's Harbour in August, with the determination to carry through an elaborate plan of campaign against Montreal. Kingston was the real objective; but it was held that this place could be more easily reduced by first attacking Montreal and cutting communication between the two places. Accordingly a combined expedition was planned from Lake Ontario and Lake Champlain. Wilkinson, however, and General Wade Hampton, who commanded at Lake Champlain, were on bad terms, so that the first requisite for a combined movement was lacking.

The intention was that the armies should meet at the mouth of the river Chateauguay, and then descend upon Montreal by Lachine. Wilkinson's force began the descent of the St. Lawrence on November 5, its course being harassed by British gunboats and troops. A small British column under Colonel Morrison defeated the rearguard of the enemy at Chrystler's Farm, on the north bank of the St. Lawrence (November 11).

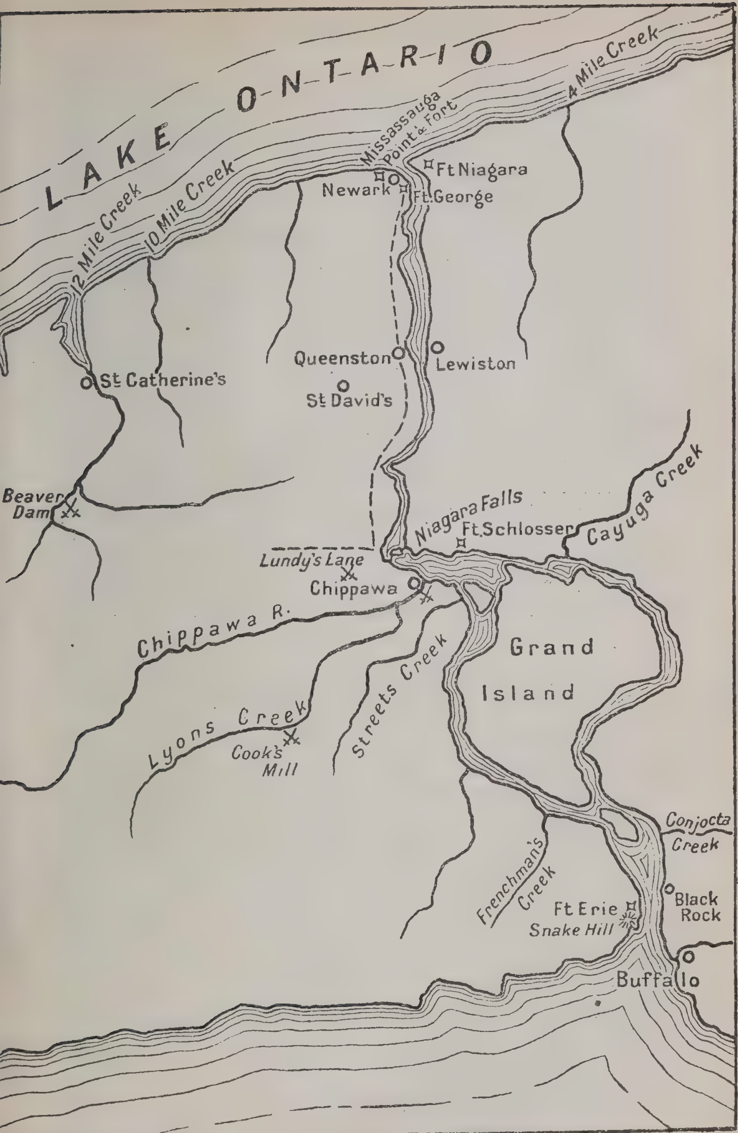
Chrystler's Farm.

Battle of Chateauguay.

Meanwhile a more serious check had been received by General Hampton's forces. They had entered Canada on September 20, advancing from Plattsburg to the Chateauguay river, whence they intended to proceed to Lake St. Louis. Colonel de Salaberry, in command of some three hundred French-Canadian militia, took up his position on the Chateauguay, near its junction with the Outard river, where, on October 25, he was reinforced by Colonel Macdonell, the captor of Ogdensburg. The American general was aware of the presence of the Canadians and sent a force to circumvent them. Meanwhile the main body attacked in front and were at first successful. They were, however, checked by suddenly coming upon the second line under Macdonell. The occasion was used by de Salaberry to rally his men, who drove back the Americans under a murderous fire. The other American force, surprised by Macdonell's men as they approached the ford of the Chateauguay, panic-stricken by the yells of the Indians and the presence of an unknown enemy, beat a hasty retreat. The battle of Chateauguay, won by some nine hundred French Canadians with about fifty Indians against overwhelming odds, was perhaps the most brilliant exploit of the war. It was further strategically of great importance, as it was the direct cause of the abandonment for the year of the expedition against Montreal. Moreover, its political bearings cannot be exaggerated as causing the French Canadians to take pride in a national war.

British successes.

In the western district, also, the close of the year brought British successes. The Americans had weakened their garrisons, so as to strengthen Wilkinson's army, and on the approach of the British their forces evacuated Fort George, which was occupied by the British on December 12. On their retreat the Americans burnt the unfortified town of Newark, an act of barbarism which called forth afterwards terrible reprisals. The new Lieutenant-Governor of Upper Canada, General Gordon Drummond, a brilliant soldier, who had been born in Canada, arrived at the front on December 15. Fort Niagara was taken on the 19th, and on the approach of the British the Americans evacuated Lewiston. The settlements of Black Rock and Buffalo were destroyed, having been abandoned by their population. Drummond recognized that the command of Lake Ontario was the principal hinge on which the safety of Upper Canada depended, and strained every nerve to place the fleet in a position to meet the enemy. In April, 1814, he proposed in vain to Prevost a plan of attack upon Sackett's Harbour. The destruction of the enemy's stores at Oswego helped to reduce the American ascendancy, and Yeo for some time maintained a successful blockade of Sackett's Harbour. But the loss of a portion of his fleet compelled him to retire to Kingston.


LAKE ONTARIO
12 Mile Creek
10 Mile Creek
Missassauga Point & Fort
4 Mile Creek
Ft Niagara
Newark
Ft. George
Queenston
Lewiston
St. Catherine's
St. David's
Beaver Dam
Lundy's Lane
Niagara Falls
Ft. Schlosser
Cayuga Creek
Chippawa
Chippawa R.
Grand Island
Streets Creek
Lyons Creek
Cook's Mill
Conjocta Creek
Frenchman's Creek
Ft Erie
Snake Hill
Black Rock
Buffalo

.V.Darbishire, Oxford 1908

British weakness in Upper Canada.

The strengthening of the American forces in the spring caused Drummond to expect a renewed attack upon Upper Canada. He held that the preparations which were being made on Lake Champlain and the operations about Plattsburg were merely for the purpose of deceiving Prevost. The Governor, however, was too careful of the interests of Lower Canada to accede to this view. This being so, the British forces on the Niagara frontier remained few and divided; and, when the Americans again crossed the frontier, Fort Erie was soon compelled to surrender. A determined resistance made by the British at Chippawa (May 5) ended in the loss of one-third of their forces and the abandonment of that fort. Queenston was also evacuated, Fort George being made the British head quarters. The American general, Jacob Brown, had intended, after capturing the British forts, to co-operate with Commodore Chauncey on Lake Ontario; but Chauncey was unable or unwilling to help, and remained cooped up in Sackett's Harbour till after the battle of Lundy's Lane.

Lundy Lane.

Disappointed in his first plan of campaign, Brown determined by a rapid march to surprise the British forces stationed at Burlington Heights. The vanguard of the British forces advanced on July 25 to Lundy's Lane, near the Niagara Falls. On July 24 Drummond had arrived at Fort Niagara. Advancing to the front, he countermanded the retreat, which had been ordered from Lundy's Lane, and determined to hold that position against the advancing Americans. The battle of Lundy's Lane was the most fiercely contested of the war, and was claimed by both sides as a victory. Inasmuch, however, as the Americans abandoned their camp and retreated in some disorder, the battle can rightly be claimed a British victory. None the less the American naval superiority on Lakes Ontario and Champlain enabled their forces to perform in two days what the British took from sixteen to twenty days in doing by marches from Kingston. Moreover there was a serious risk of deficiency of supplies for Upper Canada. Its resources were exhausted, and there was need of large imports from abroad before the closing of navigation. Two-thirds of the meat supplied came from the United States; and at any moment Congress might close this channel. Sickness, want of provisions, and the increasing strength of the enemy were producing their inevitable results. Drummond was unable to induce the militia or the Indians to come forward, and he regarded his prospects with some apprehension. Two regiments, as reinforcements, might save the situation, but Prevost would not, or could not, assist. On the other hand, the command of Lake Ontario was again passing into the hands of the British, and the appearance at Montreal in July and August of the Peninsular veterans, who had been sent to Canada, prevented active measures from being taken by the Americans. Fort Erie was evacuated by them in the beginning of November, and the campaign of 1814 in Upper Canada closed without any operations of a decisive character.

Want of supplies.

A successful expedition from Nova Scotia against the coast of Maine was made in the same year. In Lower Canada, a large force having now been got together, offensive operations were necessary. The British army advanced upon Plattsburg, situated on the western side of Lake Champlain, the Americans retiring before them. Prevost, deeming the co-operation of the fleet on Lake Champlain necessary for success, made no attempt in the absence of the vessels to overpower the weak American force under General Macomb. A brave sailor, Captain Downie, was in command of the British flotilla. He had only recently taken the command, and the ships were by no means ready for action; but pressed by Prevost he attacked the American ships on September 11. His death and the misbehaviour of the militia on board the gunboats decided the fate of the day. Prevost maintained that with the defeat of the fleet the further

Expedition against Plattsburg.

prosecution of the enterprise became impossible. Consequently the British troops made an inglorious retreat, and the only attempt during the Canadian War at handling a considerable body of troops ended in a miserable fiasco. The indignation amongst the British was great, and there was general sympathy with Yeo, who pressed forward the charges against the Governor. A furious controversy has raged round his reputation. He died before full investigation could be made of the facts by a court martial; nor is it fair that he should be condemned by the findings of a naval court martial to which he was no party. His reputation was vindicated by the Duke of Wellington, who wrote to Sir George Murray (December 24): 'Whether Sir George Prevost was right or wrong in his decision at Lake Champlain is more than I can tell; though of this I am certain—he must equally have retreated . . . after his fleet was beaten, and I am inclined to think he was right. I have told the ministers repeatedly that a military superiority on the lakes is a *sine qua non* of success in war on the frontier of Canada.'[1] None the less, the conclusion cannot be resisted that Prevost was wholly without that singleness of aim by which alone great things can be accomplished. The French Canadians have taken a natural pride in shielding the reputation of the Governor, who was their best friend till the advent of Lord Elgin; but the verdict of history can hardly assign Prevost a place among the heroes of the war of 1812.

Responsibility of Prevost.

Treaty of Ghent.

It is unnecessary here to note the doings on sea and on American soil, which belong to a general history of the war; but by this time there was a general desire for peace on both sides of the Atlantic, and the Treaty of Ghent, signed on December 24, 1814, and ratified on February 18, 1815, at Washington, was welcomed by both combatants. By this treaty the *status quo ante bellum* was restored. The Orders in Council already belonged to past history, and nothing was said with respect to the thorny questions of impressment and desertion. Both sides began with extravagant demands, but neither side was in earnest, and both recognized that the game had been drawn. The Americans so far carried off the honours that their victories of Lake Erie and Lake Champlain seemed to show that naval superiority which the Duke of Wellington affirmed to be the condition precedent of success. From the point of view of military science the war had been of little importance. On the American side, especially, its history could not be regarded with much satisfaction. With leaders who, for the most part, were unable to lead, and with followers, who were often unwilling to follow, great results were not to be expected. The British, on the other hand, were, till near the end of the war, paralysed by an inferiority of numbers; and though men such as Brock, Harvey, de Salaberry, and Drummond, and engagements such as Queenston, Chrystler's Farm, Chateauguay, and Lundy's Lane, invested the story with a halo of romance, the general results of the war to Great Britain were somewhat disappointing. Hence both the United States and Great Britain have shown unwonted readiness to ignore its details. In Canada alone, as we have seen, have its memories been rightly prized.

---

[1] Duke of Wellington to Sir George Murray, December 22, 1814, *Dispatches*, ed. by Col. Gurwood, vol. xii, p. 244.

Character of war.

AUTHORITIES

The Canadian War of 1812, by C. P. Lucas, C.B. Oxford, 1906.

Documentary History of the Campaign upon the Niagara Frontier, collected and edited for the Lundy's Lane Historical Society, by Lt.-Col. E. Cruikshank.

Brymner, *op. cit.* 1893 and 1896.

Official Letters of the Military and Naval Officers of the United States during the War with Great Britain, 1812–1815, edited by J. Brannan. Washington, 1823.

Christie, *op. cit.* vol. ii.

Kingsford, *op. cit.* vol. viii, pp. 115–598.

CHAPTER VIII

THE LOWER CANADIAN ASSEMBLY AND THE BRITISH GOVERNMENT

Position of French Canadians.

HAD politicians known the ways belonging to their peace the close of the war might have meant the beginning of happier relations between the French and English in Upper Canada. Political controversy had been by no means altogether ended during it; but the general loyalty of the French Canadians had come out well from the ordeal. In this state of things they complained with some reason that they were treated as foreigners, and that the Government was entirely composed of English officials, whose aim was to set the Governor against the French Canadian majority. A suggestion was made in an address to the Prince Regent, dated November 18, 1814, that appointments to the Executive Council should be made from the most influential members of the Assembly; by which means the two parties would be united and national animosities would cease. It was pointed out that the French Canadians were far more interested in the maintenance of the British connexion than were the English in the province, who had the same language, religion, and manners as their American neighbours. In the same spirit the Assembly asserted its imperial patriotism and extolled Prevost, who had known how to find in the devotion of a brave and faithful people, unjustly calumniated, sufficient resources to baffle the plans of a numerous and confident enemy. The blood of the children of Canada had flowed, mingled with that of the brave soldiers sent to help them.

Between the departure of Prevost and the arrival of Sir

John Coape Sherbrooke, who did not come till July, 1816, Drummond was Acting-Governor. He was perhaps more at home in the field of battle than in a civil capacity; but he tried to improve the economic circumstances of the province by allowing for a time the free importation of certain necessary articles from America. Sherbrooke, on his arrival, dealt with the same evil by advancing from the Crown stores provisions to the inhabitants of the parishes which were threatened with famine. Sherbrooke in every way sought to continue the conciliatory policy of Prevost. He renewed the proposal that the Roman Catholic bishop should be made a member of the Executive Council, 'a measure which would give confidence to the Canadians.' The home authorities agreed, and the bishop became a member of the Council in 1818. Sherbrooke also sought to make the Legislative Council a real counterpoise to the House of Assembly, which involved its enlargement. He advised that the claim of the Assembly to have an agent in London should be allowed. He rightly believed that the able Scottish lawyer, Stuart, who was then in active opposition, might be attached to the Government. He further recommended that the Speaker of the Assembly should be made a Councillor; by which means the deep distrust of the Council held by the Canadian people might be removed.

Administration of Sherbrooke

In 1818 it was decided that henceforth the previous offer of the Canadian Assembly should be accepted, and that the colonial revenue should provide for the ordinary expenditure. There had been grave irregularities owing to the war, and the illegal practice had grown up of expending the provincial revenue on services for which the Legislature had not provided. It was decided to ignore the past, but for the future to be more careful. The Secretary of State, Lord Bathurst, warned Sherbrooke of the necessity of withstanding any claim by the Assembly to dispose of public moneys without the concurrence of the other branch of the Legislature. Such

Acceptance of Assembly's offer to pay for civil list.

necessity was almost the only substantial check upon the proceedings of the Assembly.

Just when the new departure of 1818 required the exercise of the greatest tact and sagacity on the part of Government Sherbrooke was obliged to resign owing to ill health. Since Dorchester, no Governor had understood so well how to reconcile opposing interests. He had known how to carry on Prevost's work in conciliating the French without exciting the British opposition which dogged Prevost's footsteps. By habit and reputation the most downright of soldiers, he had trained himself to be a master of discretion. Great as were his merits, they shone with added light from the indiscretions of his successor, the Duke of Richmond, who arrived in 1819. He had held the Irish Viceroyalty with credit; but in Canada his method of government was to imitate the blustering and verbose style of Sir James Craig. From this time dates the beginning of that dreary *impasse* from which escape was not made till after the abortive rebellion of 1837-8. The Duke of Richmond began by asking for a much increased civil list. The Assembly retaliated by threatening to reduce those sinecures and pensions which had always been the reward of iniquities and the encouragement of vice; which in the mother-country were the subject of complaint, and which in Canada would lead to corruption. So far from being willing to vote a permanent civil list, it claimed in its annual grants to specify the particular items of each salary. In giving the Assembly control of the ordinary revenue the British Government had reserved the proceeds from certain duties and from the Crown rights, but the Assembly claimed that these also must be subject to their apportionment. The Legislative Council refused to pass the revenue bills in the form sent up to them; and the short and stormy period of Richmond's government was arrested by his sudden death from hydrophobia.

Administration of Duke of Richmond.

His successor, Lord Dalhousie, who arrived in 1820, was

Administration of Lord Dalhousie.

an able and upright soldier, and proved in many ways his care for Canadian interests. But his position was an almost impossible one. He was bound to insist upon the enactment of a permanent revenue, or at least of one for a time long enough to give confidence to the public servants. The Assembly, on the other hand, were in no yielding mood. They indeed voted the supply, with some reductions; but the bill was not in such a form as could be accepted by the Council, and Dalhousie expressed in 1821 his disappointment and disgust at the Assembly's conduct. He openly asserted that the Government was, in a manner, palsied and powerless. The members of the Assembly, thus reminded of their importance, were only made the more obstinate; and it became clear that some other means must be found to solve the difficulty.

Position of Upper Canada as to goods entering the St. Lawrence.

Moreover, it was not merely the interests of Lower Canada which were at stake. Upper Canada was also intimately concerned with the question. All goods from England and the rest of Europe entered the Upper Province by the St. Lawrence, and that province was therefore entitled to some proportion of the duties levied in Lower Canada. During the war the two provinces had worked in harmony, but after the peace disputes arose. In 1817 an agreement was arrived at, under which Upper Canada received one-fifth of the proceeds of the duties levied at Quebec, less the expenses of collection. This agreement came to an end in 1819, and, though commissioners were appointed to make a fresh agreement, their attempts ended in failure, and the Lieutenant-Governor of Upper Canada, Sir Peregrine Maitland, reported that there was no prospect of any agreement. In this state of things the Upper Canadians demanded that the Imperial Parliament should assume the entire and exclusive control of all imports and exports at Quebec; and, whatever be thought of this suggestion, some legislation was evidently necessary to protect the interests of Upper Canada.

Question of Union.

Meanwhile the larger question was being asked, whether the time had not come when the two Canadas might be merged in a single province. The history of French Canada seemed to give force to the arguments which had been adduced at the time against the Constitutional Act. Private influence was at work in the same direction. An influential member of the British Parliament, Mr. Edward Ellice, who owned one of the seigniories, was desirous that English law should prevail there, and he doubtless used his influence in this direction.

The Union was therefore decided upon, and a bill with this object was in 1822 introduced into the House of Commons. The opinion, however, of those best qualified to speak was doubtful as to the advantages of Union. Sir John Sherbrooke expressed distrust of the American tendencies of Upper Canada, and the dread which the French Canadians felt of being swallowed up by the United States. John Beverley Robinson, the Attorney-General of Upper Canada, hit the nail on the head when he said that the financial difficulties were not due to racial conflicts but to the desire which all popular Assemblies showed to assert and exercise to the utmost, and even to extend, any powers which the Constitution gave them. Democracy, not racial antipathy, was the trouble, and men of English, Scottish, or Irish extraction would show the same inclination when given the chance.

Attitude of Sherbrooke and Robinson.

Unpopularity of proposal.

The proposed Union excited the fierce hostility of the French Canadians, while it was not generally desired in Upper Canada. Its chief advocates were the British inhabitants of Lower Canada. The position of these was in some ways a hard one. They resented the conservative apathy which stood in the way of the St. Lawrence receiving the improvements which the enterprise and energy of the Americans were applying to the water-communications of New York. They complained that, while the Assembly was busy over personal wranglings, the interests of trade, agriculture, and education were wholly neglected. There was no law for the registry of lands or mortgages, and no Insolvent Debtors Act. The inhabitants of the eastern townships had just cause for complaint. These townships comprehended the settled portion of the province, except the narrow strip of land on each side of the St. Lawrence, varying from ten to forty miles in breadth, which was occupied by the French seigniories. They were already peopled by a population of some forty thousand, consisting wholly of persons of British or American descent. Yet they remained without any proper representation in the Assembly, and were obliged to use French law and resort to French courts at Quebec, Montreal, and Three Rivers.

Position of British minority.

In the face of strong opposition, the Whig party being for the most part enlisted on the side of the French Canadians, the Government determined to withdraw the bill proposing the Union. The clauses relating to the trade relations of the two Canadas were passed as a separate Act, known as the Canada Trade Act, 1822. Under this all the duties which were payable under Acts of the Legislature of Lower Canada at the time of the expiration of the last agreement were continued and made permanent. The imposition of new duties on articles imported by sea was forbidden, unless the sanction of the Legislature of Upper Canada had been previously obtained. The proportion of duties to be assigned to the respective provinces was made the subject of arbitration.

Canada Trade Act.

Time brought no remedy to Dalhousie's difficulties. The defalcations of an imperial officer gave the Canadians a just cause of grievance. As the fray thickened Dalhousie became more inclined to severe measures. He had at first recognized the necessity of conciliating the Roman Catholic Church, and had advocated the establishment of a Catholic institution for the management of Catholic schools. In 1824 he urged that the authority of the Crown should be actively asserted over the Roman Catholic Church. The Government should resume

Policy of Dalhousie.

the powers which were the prerogative of the Crown by the laws of France, and which had, in fact, been always exercised during the French régime. Bishop Plessis had received from Rome in 1820 the title of Archbishop, when two additional bishops *in partibus infidelium* were sanctioned by the British authorities; but he did not assume the title, nor was he officially recognized as Archbishop.

Lull in storm.

During the session of 1822–3 there had been a lull in the storm. The Speaker, Papineau, who was the virtual leader of the Opposition to the Government, was away in Europe, and in his absence the Estimates had been voted in the form proposed by the Government, and useful measures been passed on behalf of the townships and of the agriculture and water-communication of the province. But the truce was short-lived, and in the next year Dalhousie was confronted by a deadlock, which caused much mischief to those who found themselves without their salaries. Still, the general life of the province went on undisturbed, and the Governor could report that Canada, in spite of it all, was steadily advancing.

Deadlock.

Compromise made by Burton.

Dalhousie started for England in June, 1824, the Government being assumed by the Lieutenant-Governor, Sir Francis Burton, who had been an absentee for many years, but whom the complaints of the Assembly had recalled to Canada. A *modus vivendi*, which he arranged with the Assembly, received the disapproval of the home Government. The consequence of his action would be that the control of the permanent revenue would rest with the Assembly and not with the Crown; by which means the Crown would be deprived of the power of making the payments it deemed necessary. Lord Bathurst was willing that the appropriation of the permanent revenue should be laid as a document before the Assembly for their information; but further he would not go.

Dalhousie returned to Canada in time for the opening of Parliament in 1826, and the weary contest went on. As was natural, the pretensions of the Assembly tended steadily to

Pretensions of Assembly.

increase. Like the Assemblies in the old American colonies, they encroached upon the Executive; but they met their match in the fearless Dalhousie. The session of 1826 was brought to a close with a rebuke from the Governor. A practical result of the deadlock, which continued through 1826 and 1827, was that the Militia Act, which had been passed for a term of years, expired without renewal. Accordingly, the old Militia law of 1787 and 1789, which had never been repealed, came into force. Dalhousie's reading of the law was fiercely resented by the French Canadian politicians. In spite of such opposition, the musters of the Militia were well attended, although some officers actively opposed the carrying out of the law. It was considered impossible to overlook the conduct of officers who had openly counselled disobedience, and a certain number, including the chief leaders of the Opposition in the Assembly, were promptly cashiered.

Proposed measures.

According to Dalhousie, the time for compromise was past. Only by urging matters to an issue could the Canadians be brought to realize the true nature of the situation. Such remedial measures as he could suggest were but echoes of the policy vainly urged in the past by Dorchester and Milnes. The weakness of Government lay in the absence of influential men in the country districts to defend it against the false charges of the French press. Accordingly, Dalhousie recommended that a new commission of the peace should be issued, and that a *custos rotulorum* should be appointed in each district, with whom the British Executive might correspond. A lieutenant should also be appointed in each county over the Militia. By such means a body of steady and respectable supporters of Government might be obtained.

In the temper of the people a dissolution could profit nothing, and in the new Assembly elected in 1827 the Government supporters could be counted on one hand. As invariably happens when political passion is once excited, the more violent section of the party carried the day. The Opposition under Papineau resorted *en masse* to Quebec in a French steamboat. On Papineau's re-election to the Speakership, Dalhousie refused his sanction, on the ground of the French leader's violent incentives to outbreaks, and of his unfitness for a position requiring impartiality. How far the discontent was deep-seated it is difficult to say. Perhaps the most ominous feature of the situation was that Dalhousie appears to have alienated the sympathies of the Roman Catholic Church.

The Governor and Papineau.

Meanwhile in England the affairs of Canada were engaging the serious attention of politicians. In 1827 the long rule of the Tory Bathurst had come to an end, and colonial administration had been entrusted first to Lord Goderich and then to Mr. Huskisson. The latter referred the subject of Canada to a Select Committee of the House of Commons, which sat in 1828. The hopeless character of the situation was shown by its Report. That the Committee were by no means biased in favour of the British authorities was shown by the manner in which the charges made against Dalhousie were virtually accepted as true. But neither in the Report nor in the evidence submitted is to be found a single word suggesting responsible government as a remedy. The Report recommended placing the receipts and expenditure of the whole public revenue under the control of the Assembly. At the same time the Governor, the members of the Executive Council, and the judges should be made independent of the annual votes of the House of Assembly for their salaries. The union of the two Canadas appeared under present circumstances undesirable, but some satisfactory arrangement should be made between the two provinces with regard to the imposition and distribution of the customs collected in Lower Canada.[1] It was undoubtedly true that if the Legis-

House of Commons Committee of 1828.

---

[1] By the award of the Commissioners under the Canada Trade Act, dated July 23, 1825, it was determined that Upper Canada should have one-fourth of the duties on goods entering Canada by sea for four years from July 1, 1824.

lative Assemblies and the Executive Government could be put on a right footing, means would be found within the province of remedying all minor grievances; but the difficulty was to put these authorities on a right footing, and the well-meaning platitudes of the Committee counted for little in the final evolution of events.

Departure of Lord Dalhousie.

Dalhousie, who had been made Commander-in-Chief in India, was anxious to vindicate himself in the House of Lords, but had not the opportunity. He left Canada in 1828. His period of government was a stormy one; but no one ever more honestly tried to do his duty, and by founding 'the Literary and Historical Society of Quebec' he started the province in a direction in which it has already attained marked distinction.

Economic development.

Although, on the surface of things, these last years had seemed merely a time of barren political strife, the economic development of the country was progressing steadily. In 1821 a canal was begun between Lachine and Montreal, so as to avoid the Lachine Rapids, and by 1825 connexion was completed between the two points of the St. Lawrence. A steady stream of emigration was all this time pouring into Canada. Over 68,000 emigrants are said to have come into the country between 1819 and 1825, of whom about one-third remained in the lower province. A military settlement started between Ottawa and Kingston having proved very successful, Dalhousie recommended that a settlement on these lines should be formed in Gaspé. On the land question his views were enlightened; and he recommended the establishment of a Court of Escheats, as in Nova Scotia, to deal with the resumption of lands which had not been occupied. Dalhousie was very popular with the English population, and the monument which he raised to Montcalm and Wolfe showed the sincerity of his goodwill towards the French Canadians. That he failed as a Governor is hardly to his discredit, in that his successors, trying to be conciliatory, failed yet more disastrously. The path of safety was not again to be reached till the Union and responsible government had completely changed the character of the situation.

AUTHORITIES

The official correspondence between 1818 and 1823 is calendared in Brymner, *op. cit.* 1897; between 1824 and 1828, in volume for 1898.

The Dalhousie papers, which will be published in the course of the next few years, should throw much light on the period. Meanwhile there is much material in:

Christie, *op. cit.* vol. ii, pp. 250–395 and vol. iii, pp. 1–203.

On proposed union of Upper and Lower Canada, 1822, see Brymner, *op. cit.* 1897, Note A, and Egerton and Grant, *op. cit.*

The Evidence before the House of Commons Committee of 1828 is of great value.

Garneau, *op. cit.*

CHAPTER IX

THE EVE OF THE CRISIS

Sir James Kempt, who took over the government on the departure of Dalhousie, described himself as seated on a barrel of gunpowder, not knowing how soon it would explode. Endeavouring to conciliate both parties, he was successful with neither. He was haunted with the idea that the Assembly would succeed in its aim, which was to grasp all power in its own hands. It recognized from the Report of the 1828 Committee the way in which the wind was blowing in England, and was determined to enforce its full claims. The conciliatory character of Kempt kept strife in abeyance, but nothing was settled, and the elements of discord remained, ready to burst at any moment into a flame. A premium was set on disaffection by large sums being voted by the Assembly for the payment of witnesses who should give evidence as to grievances. Mr. Robert Christie, the member for Gaspé, had, as Chairman of Quarter Sessions, become unpopular by advising as to the appointment of magistrates; he was promptly expelled the House, the Assembly seriously maintaining that it had a superintending control over the character of its members, thus claiming the rights of the constituent body.

Pretensions of Assembly

Reform Bill.

Still, in some ways progress was made, and a needed measure of electoral reform was passed in 1829. Under this Act a new division of the counties was made, and their total number was raised to forty. By these means the population of the eastern townships at last received representation; and the establishment of registry offices for land transfers in the following year remedied another grievance.

Irish immigration.

Apart from political troubles, Lower Canada at this time suffered from a serious evil. During 1830 and 1831 there was a great influx of emigrants, mainly from Ireland. But these people did not come to stay, merely passing through the province, leaving its inhabitants to provide for their sick and disabled, and to bury the dead. The absence of proper regulations on board ship caused the lot of the emigrants to be one of extreme misery. There were numerous deaths on the voyage and on arrival; and children were left without protection, and wholly dependent on the casual charity of the people of Quebec. In this state of things it was no matter for wonder that cholera was introduced in 1831, an imperial boon which added greatly to the natural bitterness of the French Canadians.

Administration of Aylmer.

It was, however, political more than economic grievances which figured in the complaints of the Assembly. Kempt had, in 1830, been succeeded by Lord Aylmer, an enthusiastic advocate of conciliation. He believed that the fault lay with the British, who were aiming at the subversion of the French laws and institutions. The Assembly undoubtedly had just grounds for complaint. The towns and parishes suffered from the absence of local self-government; judges were connected with politics and took part in public affairs; the Executive was growing less and less representative of public opinion, and greater responsibility and accountability was sorely needed for public officials. It was vainly sought to strengthen the Executive Council. In 1830 it consisted of nine members, of whom only two were French Canadians and only one a Roman Catholic. Lord Aylmer's method of mending matters was to pitchfork into it, without power or responsibility, the most prominent members of the Opposition. He opposed the view that the members of the Executive

Council were the natural advisers of the Governor. He maintained that, being himself above parties, he should look only to the home Government for support. Secure of that, he was confident that all would go well.

Conciliatory action of home Government.

The home authorities were in the same conciliatory mood. Quebec and Montreal were granted municipal government, and Lord Goderich promised his assent to any measure putting an end to the doubt and confusion which prevailed as to the law. Parliament was prepared to leave to the Canadian Legislature the enactment of laws relating to real property. An Act removing the judges from the Legislature had already received the sanction of the Crown. Little now remained for debate, and that little, Lord Goderich was convinced, would be discussed with feelings of mutual kindness and goodwill. In 1831 the Crown divested itself of the permanent revenue of the province, without securing a permanent provision for the Governor or judges; while at the same time in Canada Aylmer was trying the effect of copious doses of blarney.

Obstinacy of Assembly.

But neither acts nor words availed to propitiate the Assembly. The Governor's flattery fell on deaf ears, and the only reply to the Colonial Secretary was the contemptuous ignoring of his request for a permanent Civil List. In the next session the attempt was made to tack on to the bill providing for the year's salary of the judges the provision that they should hold office during good behaviour. Goderich's patience was at the straining point; after all his efforts for conciliation he found himself met by new pretensions, urged in a form both unparliamentary and disrespectful.

Power of demagogues.

Meanwhile the ascendancy of a few violent men was making the political danger serious. The keynote to Lower Canadian history at this time lies in the power wielded by the lawyers and doctors, who were the kith and kin of the simple habitants. Never were circumstances more favourable to the influence of demagogues; the leaders of

Character of Papineau.

the people issuing from them and being part and parcel of themselves. Of these men, Papineau was the chief. A master of fervid eloquence, of a rare personal charm, absolutely honest, he yet must be described as a demagogue; because he lived in a world not of facts but of words. Having raised the storm he proved wholly unable to control it; and when the crisis came found refuge in somewhat inglorious flight.

The extreme party, however, had not things all their own way. A vigorous Scottish newspaper proprietor, Mr. Neilson of Quebec, who had previously been one of the leading reformers, now, with others, broke from the majority; but to no purpose.

Claims of Assembly.

The loss of life at an election riot at Montreal in 1832 added fuel to the flames. The provisions of the Constitutional Act with regard to the constitution of the Legislative Council were declared to be incompatible with the principles of free government. A National Convention was demanded, which should consider and propose amendments to the constitution. Violence begets violence, and, in the face of such utterances, it was not strange to find the Legislative Council asserting that the effect of an elective Legislative Council would be to bring into collision the people of Upper and Lower Canada, and to drench the country with blood. Upper Canada would never quietly allow the interposition of a French Republic between it and the United States.

Position of Aylmer.

Aylmer's position had become impossible. He had begun by throwing the blame on the British, but the attitude of the Assembly could not but alienate him more and more. He attempted to draw distinctions between the people and the leaders, and to show that the very violence of the latter was due to their waning power. Late in the day the Government had set on foot the excellent plan of having its measures brought forward in the Assembly by a member who was made an Executive Councillor for this purpose. On the first holder of the office becoming a judge he was succeeded by a young French Canadian, M. Mondelet. Though no salary attached to the office the majority declared his seat vacant; so that even measures meant to be conciliatory ended in quarrels. Aylmer was unable to suggest a remedy. On the one hand the British party, grown bolder, showed a determination no longer to submit to the French party; on the other the unbounded pretensions of the Assembly had already deranged, and promised to destroy, the balance of the Constitution.

Attitude of home Government.

The home authorities were at a loss. The elective principle, with regard to the Legislative Council, could not be conceded; and conciliation had only aroused new pretensions. Another House of Commons Committee, which sat in 1834, threw no light on affairs. But the Canadian Assembly was in no mood to listen with deference to anything proceeding from British authorities; and already, in February, had been formulated the ninety-two resolutions which were the French Canadian declaration of rights. In these they declared their attachment to the elective principle, pointing to the United States as the political model. They reminded Parliament of the consequences of its efforts to overrule the wishes of the American colonies, whose population, at the time of the Declaration of Independence, was not much greater than that of Canada in 1834. With an amazing disregard of facts it was asserted that the great majority of the inhabitants of British origin were heartily in accord with the French Canadians; while at the same time the number of the British was ludicrously understated. The legality of 'tacking' was curtly maintained, on the simple ground that grants of supply should depend upon the redress of grievances. The Assembly claimed all the powers, privileges, and immunities enjoyed by the British House of Commons. Responsible government was not demanded, except so far as it might come under the complaint of the

The ninety-two resolutions.

vicious composition and irresponsibility of the Executive Council, whose members formed the Court of Appeal, with secrecy, not merely as to its numbers but even as to the names of its members. In an elaborate analysis of the ninety-two resolutions Aylmer maintained that eleven of them represented the truth; six contained truth mixed with falsehood; sixteen were wholly false; seventeen were doubtful; twelve were ridiculous; seven repetitions; fourteen consisted of abuse, and four were both false and seditious; the remaining five were indifferent. The Assembly proceeded to demand the impeachment of the Governor, Lord Aylmer. The passing of the ninety-two resolutions served to open the eyes of the British population. Constitutional Associations were established in Quebec and Montreal. The British and Irish population found themselves united for self-preservation, and in the General Election of 1834 a racial character was given to the elections, such as had before not been known. In this contest victory naturally went to the big battalions. The majority returned determined to assume control of every individual in the province. The Collector of Customs was imprisoned for an alleged violation of the rights of the Assembly. The ninety-two resolutions were again passed, with some others yet more 'pungent'. It appeared hopeless to summon again the Assembly, and Aylmer began to think that, unless Parliament interfered, the English-speaking population might take the law into their own hands.

Racial contest.

Appointment of Royal Commission.

Aylmer himself was wearying of his thankless task. He suggested the appointment of a Royal Commission to ascertain the state of the province. He recognized that a change of Governor was desirable owing to the personal hostility shown by the Assembly. His suggestion was taken, and a Commission was sent out in 1835 to devise a remedy. Lord Gosford was appointed chief Commissioner and Governor, and with him went Sir George Gipps and Sir Charles Grey.

Character of Commission.

Some obscurity hangs over the choice of Gosford. The office was first offered to Lord Amherst, and Lord Canterbury, who, as Speaker of the House of Commons, had won general approval, was afterwards mentioned for the post; but his family relations were supposed to stand in the way. Lord Gosford was an Irish peer who emerged from obscurity to return to it again. He had in his favour a pleasant manner and good intentions; but the leaders of the revolutionary party had gone too far to be cajoled into line with the Government by the flatteries of a *faux bonhomme*, and the new Governor was without the moral or the intellectual backbone necessary to confront a situation of grave difficulty. Sir George Gipps was a Whig soldier, who afterwards did good service as Governor of New South Wales. Sir Charles Grey was an ex-Indian judge, whose appointment was insisted upon by the King. It would seem that the question of allowing the Legislative Council to become elective had been seriously considered by the British Government; but William IV stood in the way. He was determined never to permit the concession of an Elective Council to be made in any of the colonies, and Sir Charles Grey was expressly told by the King that his duty was to maintain the Crown's prerogative which persons who ought to have known better had denied. The person who ought to have known better was the King's own Secretary of State, Lord Glenelg.[1]

Suggestion of kind of responsible government.

The recall of Aylmer aroused considerable feeling among the British population; while it failed to conciliate the French. An Elective Legislative Council was as distant as ever. A plan appears to have been adumbrated of having three or five salaried councillors to be chosen from the leading men of the colony, with seats in the Legislature. These representatives would have been bound to obtain supplies or vacate their posts. Papineau was reported to have said that, though he was not himself enamoured of the plan, it would probably be popular in Lower Canada, as it would certainly be in Upper. It would seem that to Lord Howick, who, as Lord Grey, was to be intimately connected with colonial history, belongs the credit of this suggestion, which foreshadowed responsible government.

---

[1] *The Greville Memoirs*, part I, vol. iii, pp. 271, 276.

Attitude of Gosford.

But whatever may have been at the time intended, nothing was done in the matter. Although his reception by the French Canadians was far from cordial, at first the full force of Gosford's criticisms was reserved for the loyalist minority. When it was proposed to raise loyalist volunteers, he refused to allow legal recognition to the movement. The feelings of the British became naturally bitter. They threatened that their case might become as hard to deal with as that of the French, who, after receiving concession after concession, now claimed that the whole government should lie with that part of the Legislature in which the Anglo-Canadians were practically unrepresented. No doubt the behaviour of the English was often provoking. An Englishman who had spent some time in Lower Canada shipbuilding wrote 'that the British were too apt to treat the French as if they were blacks; and the British also were mighty talkers, who in their way were no less dangerous than Papineau'.

Failure of Commission.

In spite, however, of such failings, and in spite of Gosford's prejudices, the trend of events steadily drove the British Government into the arms of those who supported British interests. In February, 1836, the Assembly, after directly claiming responsible government, refused to grant more than six months' supply till there had been a redress of grievances. In the following September they definitely refused to vote supplies. It was generally recognized that the Commission had been a failure, and the home Government directed that its proceedings should be brought promptly to a close.

Little light or leading is to be derived from the series of Reports issued by the Commission. Sir Charles Grey acted his part of drag on the wheel and generally appended

Report of Commissioners.

dissents or doubts to his colleagues' opinions. On the main points, however, they were tolerably unanimous. They were opposed to making the Legislative Council elective, on the just ground that, whatever might be said as to the merits of an Elective Council in the abstract, in Lower Canada the interests of the British minority forbade that they should be handed over to the tender mercies of a Legislature consisting wholly of French Canadians. Responsible government was impossible, because responsibility must lie with the Governor. To make the Council responsible would be to take away part of the Governor's powers, and thus to abridge the efficiency of the one officer on whom reliance had to be placed for retaining the allegiance of the colony. There was pathetic irony in the fact that the single practical suggestion made by a Commission which had started with the anxious desire to restore peace and goodwill was that the imperial statute should be repealed under which the Crown revenues had been granted unconditionally to the Colonial Legislature. Whatever the future might have in store, it had been shown that government by a popular Assembly, as it was understood in Lower Canada, had become an impossibility. There was a short, resultless session in the autumn of 1836; and the House met in August, 1837, only to be prorogued within two days. Colonial government, as meaning an irresponsible Executive and a *liberum veto* allowed to a popular Assembly puffed up by ignorance and vanity, had been tried and found wanting. Some other means must be devised, or the whole system of government would fall to the ground from its obvious inefficiency.

Last meeting of Lower Canadian Assembly.

While political wrangling went on, it must be confessed that, tried by the standard of practical utility, the French-Canadian Assembly was found very lacking. Attention has already been called in the case of the Militia to the inconvenience occasioned by temporary laws. The absence of municipal government compelled the central Legislature to

Local government. deal with petty details and minute regulations which should have been entrusted to local bodies. The chimneys of Montreal were swept one year under an Act of William IV; in the next, through its expiration, under a revised ordinance of George III; and through a similar omission the wharfage dues of Montreal Harbour could not be claimed for a whole year.

Road-system. In an undeveloped country nothing is of greater importance than an efficient system of roads; but, in the absence of local government, the road-system of Lower Canada was notoriously bad. Local rating being unknown for the purpose, large sums were voted by the provincial treasury for the development of internal communications. The disbursement of these was entrusted to unpaid, but not always disinterested, commissioners nominated by the Governor-General, for the most part on the recommendation of members of the Legislature. Thus the heavy expenditure on roads produced small results. In 1838 there was not a single good road in the province. Charges of jobbery were freely made; and no doubt political motives often influenced grants. Enemies of the majority found their constituents generally left in the cold. The management of the roads was vested in the *grand voyer* and his deputy in the districts of Quebec, Montreal, and Three Rivers. Under these were subordinate officials. The *grand voyer* was a survival from French times, but the smallness of his salary and the clumsy provisions of the law caused his duties generally to be performed in a perfunctory fashion.

Qualification of magistrates. The condition of local government had been made worse by a law which restricted the office of magistrate to those possessing land. The practical effect of this was to disqualify many of the most competent British magistrates; while those who remained, disgusted with some of their colleagues, grew remiss in attendance.

It was, however, the condition of the towns which most

Condition of Quebec and Montreal.

showed the need of local government. Quebec had narrow and ill-paved streets; huge wooden steps projected, in contempt of the law, across the broken footpath. The water was unwholesome, hawked by carters from the St. Lawrence. There was no system of lighting the streets, and passengers carried their own lanterns. The condition of Montreal was rather better, but it remained in total darkness during the winter months, at a time when military guards were placed in almost every street, and there was a general fear of insurrection.

Quebec and Montreal had been watched and lighted after a fashion under a temporary Act down to 1836; but the condition of things had been little better, and there was no proper police force until one was organized during Lord Durham's administration. Bad as was the condition of the towns, the state of things in the country was worse; and here the evil was the greater, because the situation of the seigniories stretching almost in a continuous village would have rendered easy the assembly of local boards. In no respect, perhaps, does the action both of the French Assembly and of the British Government stand more self-condemned than in this neglect to set on foot a system of local government.

AUTHORITIES

The official correspondence between 1829 and 1831 is calendared in Brymner, *op. cit.* 1899; between 1832 and 1835 in volume for 1900; and between 1836 and 1837 in that for 1901.

Christie, *op. cit.*, vols. iii and iv; are especially valuable as representing views of British minority.

Garneau, *op. cit.*

Life of Papineau in 'Makers of Canada' Series, by A. D. De Celles, Toronto, 1904.

Parliamentary Papers, Reports of Gosford Commission, 1837.

Letters to H. Taylor, October 24 and November 4, of Mr. Elliot, 1835, in Brymner, *op. cit.* 1883, Note A.

Appendix C to Lord Durham's Report on 'Municipal Institutions', in vol. iii of Sir C. Lucas's edition of *Lord Durham's Report.* Oxford, 1912.

CHAPTER X

UPPER CANADA FROM 1815 TO 1837

Upper Canada after the war.

Some account has been given of affairs in Upper Canada before the outbreak of the war of 1812. The effect of that war was to instil into the mind of the Upper Canadians a feeling of self-confidence hitherto unknown. It had been an imperial question, and yet such success as had been gained had been largely due to the Canadians themselves. With this new temper prevalent considerable tact was necessary on the part of Government if disputes were to be avoided; but such tact was, nearly always, absent. With the departure of Drummond the melancholy tale of blunder and failure began. There was inexcusable delay in settling the claims of the Militia to their pay, and the land-grants allotted caused disappointment. It was natural that the Government should endeavour to restrict the immigration of Americans; but such measures were unpopular, as they tended to lower the value of land. A further subject of controversy played a great part in Upper Canadian politics. We have seen that under the Constitutional Act reserves of land were made for a 'Protestant clergy'. It would seem from the wording of the Act that some distinction was intended between the words 'Church of England' used in one section and 'Protestant clergy' used in another; and there is authority for the statement that Grenville in 1791 had intended the latter words to be of wide application. The English law officers, however, were of opinion that such clergy must belong to a Church established by the law of the

Clergy reserves.

land, so that all Protestants other than members of the Churches of England and Scotland were excluded from the benefits of the provision. In a country where the great majority of the population belonged to dissenting sects such a distinction was both impolitic and galling; and the discontent caused tended to drive the people more and more into the arms of the Radical party, which denounced the doings of the Government.

Persecution of Gourlay.

A shrill voice was given to Upper Canadian grievances by Robert Gourlay, a Scotchman who had arrived in Canada in 1817. He was a man of undoubted abilities, but of no common sense. A note of hysteria runs through his criticisms. 'Corruption,' he wrote, 'has reached such a height . . . that no other part of the British Empire witnesses the like.' Upper Canada was pining in premature decay, and discontent and poverty were experienced in a land blessed with the gifts of nature. Language of this sort might well be left to itself, but the Government took the foolish and unjust step of making Gourlay a martyr. The arrival of Sir Peregrine Maitland, as Lieutenant-Governor, in 1818, placed a willing tool in the hands of the reactionary party. Maitland was a brave soldier and a friend of the Duke of Wellington; but he had all the prejudices, without the *bonhomie*, of his father-in-law, the Duke of Richmond. Advantage was taken of a clause in an Act directed against suspicious foreigners who had not taken the oath of allegiance to imprison a British subject, who, as such, did not need to take the oath. Gourlay's main cause of offence had been that he had issued a circular to correspondents asking what in their opinion retarded the development of their townships and of the province in general, and had invited a convention of delegates to consider the terms of a petition to the Government. Tried for sedition, he was acquitted, but was then proceeded against under the Alien Act mentioned above. Gourlay was ordered to leave the province within ten days, and, on refusal, was thrown into prison, a writ of *habeas corpus* being for months denied him. In 1820 he left Canada broken down in health and mind; but afterwards in great measure recovered, and lived to the age of eighty-five.

The Bidwells.

More dangerous antagonists to the Government were the Bidwells, father and son. Barnabas Bidwell was an American lawyer, who had fled from the United States to avoid a charge of misappropriation of public funds brought by his political enemies. Elected to the Upper Canadian Assembly, he was excluded on the ground that he had taken the American oath of citizenship; and an Act was passed in 1821 making all Americans ineligible for a seat in the Assembly. This Act was subsequently modified so that Americans who had resided seven years in Canada and taken the oath of allegiance, might become members. His son, Marshall Spring, was elected in the place of Barnabas Bidwell; but he also was excluded as an alien, having been born in Massachusetts, though before the Treaty of Paris.

Liberal majority.

With the modification of the law the younger Bidwell became eligible, and he was returned to the new House of Assembly which met in 1825. The intolerance of the Government party brought about its natural consequences, and the Liberals obtained a small majority. The younger Bidwell was a man of great ability, and afterwards became Speaker, though his extreme nervousness unfitted him for the rough and tumble of political life. Another of the party was of a yet more puzzling character. Had Dr. Rolph been as honest as he was able, he must have reached the highest step in the ladder of political life; but there was something furtive and sinister in his actions which stood in the way of his advancement. The treatment of a half-pay officer, Captain Matthews, who had ventured to profess Radical opinions, showed the nature of the Government. That a British officer should embark upon the stormy waters of political agitation was intolerable to the notions of the day, and Matthews was made the victim of a petty persecution which ended in his ruin.

W. L. Mackenzie.

It was at this time that a far more formidable antagonist first appeared upon the scene. William Lyon Mackenzie was a Scottish immigrant of good family and indifferent means, who started a newspaper in 1824, the *Colonial Advocate,* to attack the Governor and his connexions. In spite of the violent character of its writings and the exaggerated importance attached to it by the fussy Lieutenant-Governor, the newspaper proved a failure, and might have died a natural death, but for the proceedings of its enemies. The wrecking of its office and type by young men in close relations with the Government officials gave it a new life, by securing for it the sinews of war in the shape of heavy damages, and by enlisting on its behalf the sympathies of moderate men.

Political dissensions.

A feeling of dissatisfaction everywhere prevailed. The Government was narrow-minded and tyrannical. With regard to the settlement of aliens, political and economic interests seemed hard to reconcile, while the inaction of Lower Canada, which neglected the improvement of the St. Lawrence between Lakes St. Louis and St. Francis, added greatly to the difficulties of the colony. In this state of things a political firebrand might well find his opportunity. It is difficult to take very seriously Judge Willis, who appeared upon the scene in 1827. Had he succeeded in his ambition to preside over a court of equity we should probably have heard nothing of his constitutional agitation. A judge can hardly be in the right in encouraging attacks upon his brother judges and the law officers of the Crown; nor is it necessary to feel much interest in the social squabbles between Lady Mary Willis and the Lieutenant-Governor's wife. Willis's removal was then natural enough; but more difficult to justify was the heavy punishment inflicted on a newspaper writer, Francis Collins, for having accused, no doubt in a Pickwickian sense, the Attorney-General of 'palpable falsehood' and 'native malignancy'. Maitland was recalled in 1828, and Sir John Colborne, a distinguished Peninsular veteran and a singularly upright man, entered upon what at the time could not but be a *damnosa haereditas*.

Political situation.

The elections of 1828 had resulted in the triumph of the Radical party. Mackenzie had been returned for York, and Bidwell was elected Speaker by a small majority. The Assembly, with practical unanimity, claimed that its position should be recognized as the responsible adviser of the Crown. Colborne saw that much of the discontent arose from the popular jealousy of those holding the chief official situations. He could not indeed approve a state of things under which the Legislative Council followed in every case blindly the lead of those of its members who belonged to the Executive Council; yet it was difficult to suggest a remedy. Still, in spite of the weakness of the Constitution and of the opposition, which was due to the naturalization question and that of the clergy reserves, discontent in Upper Canada was not very deep-seated; and the General Election, necessitated by the death of George IV, took the power from the hands of the extreme party. A steady flow of immigrants was now pouring into the colony, and these new-comers, as yet, cared little for the political shibboleths of the reform party, while their prejudices could easily be aroused against any course which seemed to suggest truckling to the United States. In this state of feeling a statesman of tact and discretion might have done much. But though Colborne possessed these qualities he could not act without his advisers, and they stood rooted to a political creed which was fast becoming obsolete. Amongst these advisers the figure stands out prominent of the strong and capable Archdeacon Strachan, recalling the combination of Churchman and statesman common in the Middle Ages. Strachan lived and worked,

Change of feeling.

Position of Established Church.

not for himself, but for his Church; but probably his political partisanship did more to weaken the hold of the English Church on the affections of the people than could a whole regiment of political dissenters. Colborne himself recognized that Strachan's political course had destroyed his clerical influence, and that much of the bitterness of the dissenters towards the Established Church was really directed against its truculent champion. Colborne had old-fashioned views on Church questions; but we find him suggesting that the whole of the clergy reserves should be placed at the disposal of the Crown, to make a provision both for the Episcopal clergy and for the support of other Protestant churches. More advanced views, however, were already making way. A petition in 1831 advanced the view that the clergy reserves should be appropriated to the purposes of general education and internal improvement. It was at the same time affirmed that all political distinctions on account of religious belief ought to be removed. But while Radicalism was leavening public opinion, the party of reaction in the Assembly, under the blustering and incapable leadership of the Attorney-General, Henry Boulton, held full sway. The repeated expulsions of Mackenzie from the Assembly, on the most flimsy pretext, were disapproved of by Colborne, and censured by the home Government. On Boulton and his colleague, the Solicitor-General, setting at defiance the official censure they were dismissed from office. As members of the Government, they were bound to support the measures which were enjoined by the British authorities, though, as private members of the legislature, they could of course express what opinions they pleased. The language in which Boulton's dismissal was commented on in the newspaper which he directed proved how much official loyalty was dependent on favourable circumstances. Fortunately for these men there were other political bunglers besides themselves. Mackenzie took the opportunity to publish a letter

Expulsion of Mackenzie.

Joseph Hume's letter.

from Joseph Hume, the well-known economist and Radical, which declared a crisis to be fast approaching in the affairs of Canada, which would terminate in independence and freedom from the baneful domination of the mother-country and the tyrannical conduct of a small and despicable faction in the colony. Unwise as was the publication of such a letter on the eve of a general election, when appeal had to be made to a people, the great majority of whom were still inflexibly loyal to the British connexion, disgust with the majority was strong enough to give the opposition a small majority in the elections of 1834. Nevertheless, the alienation of Egerton Ryerson, the most influential member of the Methodist body, from Mackenzie's party, tended greatly to weaken its influence.

Recall of Colborne.

Meanwhile the home authorities were most anxious to conciliate the people. The full control of the whole revenue had been already granted in 1831; the Assembly on its side undertaking to vote a permanent civil list for the Governor and judges. As a further measure of conciliation it was now decided to recall Colborne, in the hopes that a more pliable governor would mend matters. Colborne himself was convinced that all attempts to win over Mackenzie and his party by concessions would fail. His own remedy was to fill up the waste lands of the province with a British population with as much speed as possible. He noted with some bitterness the attentions paid in London to a demagogue like Mackenzie. Two of the most respectable persons had been sent to England to urge payment of the war losses, but without any effect. But as soon as 'a persevering impostor' like Mackenzie gave his version, the claims were at once considered. From about 1828 the demand for responsible government became articulate in Upper Canada; and while the Lower Canadian Assembly was wasting its energies in the pursuit of an elective Legislative Council, the eyes of Upper Canadian reformers were fixed in the direction from

Responsible government.

whence came final safety. In the report of grievances drafted by Mackenzie, of which two thousand copies were distributed, put forward by the Assembly, the responsibility of officials to the majority of the colony was expressly demanded, though coupled with the claim for an elective Legislative Council.

Education.

Colborne, although a soldier, saw clearly the great importance of education. When Lieutenant-Governor of Guernsey he had set on foot Elizabeth's College; and in 1829 he founded Upper Canada College at York. In the matter of education the record of the colony stood high, common schools having been supported out of the public funds as early as 1816. Colborne's dispatches show him to have been constantly preoccupied with the question of the proper co-ordination of education. His natural sympathies no doubt caused him to overrate the position of the Church of England in a province where its members were a small minority of the population. His plan for the government of Upper Canada College gave more power to the Church of England than in the circumstances could be justified; but it must be remembered that Archdeacon Strachan was actively at work furthering the interests of his Church, and that he was desirous of going to still greater lengths than Colborne was willing to approve. None the less was it true that the extreme pretensions of the Church of England threw the sober-minded, cautious, dissenting community into the arms of the reform party.

Establishment of rectories.

Sir John Colborne's last act in Upper Canada in establishing forty-four rectories has been severely blamed. But he could call in aid the words of the Secretary of State, Lord Goderich, written in April 1832: 'I quite concur with you in thinking that the greatest benefit to the Church of England would be derived from applying a portion at least of the funds under the control of the local government to the building of rectories and churches.' Considerable delay occurred, to prevent interference with existing rights, and owing to differences of opinion regarding the form of the legal instruments; but the signature of Colborne only put the finishing-touch to a plan which had been long settled. It may well be that the policy was unwise. Indeed, it is hardly possible to doubt it, considering that nine-tenths of the population appear to have been opposed to the existence of an Established Church, and that the close neighbourhood of the United States made invidious distinctions in favour of one denomination appear very different from what they appeared amidst the traditions and circumstances of England. But it is not fair to Colborne to blame him for prejudices which he shared with the great majority of Englishmen of his time. Entering upon the scene at an unfortunate moment, and confronted with a demagogue of the ability and honesty of Mackenzie, he was not, it is true, able to give constitutional peace to Upper Canada; but whatever scrupulous fairness and the honour of a chivalrous soldier could achieve was accomplished by him. The story of the government of his successor, Sir Francis Bond Head, will be best told in the chapter which treats of the insurrection.

Dislike of Established Church.

Rideau and Welland Canals.

While Upper Canada was entering upon a career of political strife, its economic position was steadily advancing. To these years belong the making of the Rideau and Welland Canals, which were of great importance to Upper Canada's economic development. The Rideau Canal, which was first proposed during the war of 1812 as a military measure to provide an alternative route to the St. Lawrence between the west and Montreal, was begun in 1825 and finished in 1832. Its route followed, from Ottawa, the river Rideau to the Rideau lake, and was carried from thence along the Cataraqui river to Kingston. The total length was about 126 miles. Of more importance was the Welland Canal, which connected Lakes Erie and Ontario. There were great difficulties with regard to finance; but in 1829 the works were so far finished that vessels were able to pass between Lakes Ontario and Erie, the length of the new canal being about sixteen miles. Its final completion belongs to later history; indeed it was again deepened some twenty years ago. Before success could be achieved it had to be taken over by the province as a public work. Nevertheless its first beginnings were an important event in the history of the province.

Canada Company.

In 1824, on the advice of John Galt, the celebrated Scottish novelist, who had acted as agent in the matter of claims made by Upper Canadians for losses suffered during the American invasion, the Canada Company was formed, under which a great tract of land on Lake Huron was thrown open to colonization—the company receiving eleven hundred thousand acres in one block. Galt's *Autobiography* throws strange light on the ways of colonial governors at that time, and especially of Sir Peregrine Maitland; nor does the reputation of Dr. Rolph emerge the clearer from his statements. Such personal matters, however, belong to a dead past; Galt's work as a colonizer is of permanent interest. The town of Guelph was founded in 1827, situated in the centre of the tableland which separates Lakes Ontario, Simcoe, Huron, and Erie. A road was made through the forest of the Huron tract, establishing land communication between Lakes Huron and Ontario, a distance of some hundred miles. For years the company suffered from lack of funds, and their relations with their agent Galt were unsatisfactory; but the colonization of the Huron country was successfully accomplished, and by 1833 Lord Dalhousie was able to congratulate Galt on the success of the company's perseverance. 'Experience in settling the Canadas,' he wrote (August 31), 'has long proved that to give free grants is not the wisest system for advancement either of the emigrant or of the province.'

Sir Richard Bonnycastle, in 1841, was much struck by the success of the Canada Company's operations. It had purchased over 2,200,000 acres of land, and within ten years had planted some hundred thousand with bona fide settlers. It had made a hundred miles of road, and spent large sums on public buildings, bridges, &c. Goderich, one hundred and fifty miles from Toronto, was in 1829 a wilderness inhabited by four families; by 1838 it had a population of five thousand, and returned a member to the legislature.

The success of the Canada Land Company caused similar methods to be adopted in Lower Canada, a course which led to considerable complaint from the Assembly of the province.

The land system and clergy reserves.

Among the most practical grievances in Upper Canada were the evils connected with the land system. The inefficiency of the surveying department caused great insecurity in the title to land. Useless formalities and consequent delay often occasioned hardships. The want of roads was as serious in Upper Canada as in the Lower Province. Mention has been already made of the clergy reserves in their political aspect, as creating a jealousy of the English Church, but their economic consequences were no less lamentable. A township contained eight thousand acres, and besides the clergy reserves there was an equal amount reserved for the Crown. Moreover, a large portion of the remaining land was taken up by grants to united empire loyalists, militiamen, and others, who left their lands in an unimproved condition. These waste lands, wedged in on all sides of the bona fide settler, placed him in a most hopeless position. They prevented the development of a population sufficiently dense to maintain mills, schools, post offices, shops, and churches, and the other signs of a growing community.

Education.

In the matter of education Upper Canada, as we have seen, was on a more satisfactory footing. The early efforts of Simcoe and President Russell to support it by setting apart a vast tract for the establishment of a University and four Grammar Schools, were indeed foredoomed to failure, because they began at the wrong end; but from an early date common schools were set on foot by the voluntary efforts of the people. These common schools received the sanction of the legislature in 1816, when power was given to the people to elect trustees for their management, and grants in aid were allotted by the legislature to the several districts. A Board of Education was established in the different districts, with whom lay the apportionment of the public grant. Unhappily religious controversy soon became a disturbing element. The powerful influence which Dr. Strachan secured for the Church of England was shown by the establishment of a Central Board of Education, practically directed by that Church, and in other ways. To the same influence must be ascribed the commanding position of the Church of England under the charter of 1827, which established a new University. It proved impossible, however, in the face of a hostile public opinion, to give effect to the provisions of the charter; and the House of Commons Committee of 1828 recommended essential changes in it so as to prevent a suspicion and jealousy of religious interference in a country where only a small proportion of the inhabitants belonged to the Church of England. In consequence, the proposed University dwindled to the proportions of a Church of England College established in 1829. A rival Methodist College, known as the Upper Canada Academy, was started in 1836, upon which also university powers were conferred in 1841, under the name of Victoria College. Denominational colleges were also established by the Roman Catholics and by the Presbyterians. The policy of linking education with denominationalism left abiding marks on the character of the Upper Canadian people. Travellers even to this day record the difference between the treatment of Sunday in British Canada and in the Western States of America. The

Church of England ascendancy.

permanence of traditions and ways, which otherwise might have been lost, was largely due to associations formed in early years, when the character is most open to influence.

AUTHORITIES

The official correspondence is calendared in Brymner, *op. cit.* 1896–1901.

Life and Times of William Lyon Mackenzie, by C. Lindsey. 2 vols. Toronto, 1862.

Kingsford, *op. cit.* vol. ix, pp. 193–251, and vol. x, pp. 213–339.

Autobiography of John Galt. 2 vols. 1833.

Brymner, *op. cit.* 1898, on 'Land Companies of Canada' and 'Naturalization question', and 1899 on 'Clergy reserves' and 'Education, 1818'.

Appendix B to Lord Durham's Report, on 'Crown Lands', in Lucas, *op. cit.*

Life of Lord Seaton, by G. C. Smith, 1903.

Memoir of Rev. J. Strachan, by A. N. Bethune. Toronto, 1870.

The Canadas in 1841, by Sir R. Bonnycastle. 2 vols. 1841.

Statistical Account of Upper Canada, by R. Gourley. 2 vols. 1822.

The Life of Sir J. Beverley Robinson, by Major-Gen. C. Robinson. 1904.

CHAPTER XI

THE REBELLION OF 1837

WE have traced the history of the two Canadas down to the eve of the rebellion. On leaving Upper Canada Colborne was given the military command in British North America, an appointment which proved a tower of strength to British interests. Gosford was inclined to complain of Colborne's action. He still did not believe in the possibility of serious commotion, though he recognized that Papineau was determined to split from Great Britain. At the same time he had come to recognize that it might be necessary to suspend the Constitution. Until Papineau's power was nullified there could be no hope of better things.

Attitude of Gosford.

The situation was indeed becoming serious. Meetings were being held at which the severance of the connexion with Great Britain was openly advocated, as well as the smuggling of goods so as to starve the revenue. According to Gosford, the great majority of the people were in their hearts disinclined to the agitation, but were intimidated by the revolutionary party. Nightly parades took place in Montreal by organized bands, and loyal parishes were severely boycotted. The system of trial by jury had broken down, so that offenders were sure of immunity. Large bodies were drilling every Sunday, and no attempt was made by the civil authorities to interfere, while several French officers had been secretly introduced from the United States to give military drill and instruction. The magistrates and officers of Militia were being compelled to resign, and many land-

Serious situation.

Position of Gosford. owners had fled from their properties to the towns or to the United States. Even Gosford recognized the need for more troops, and applied for extraordinary powers to suspend the *Habeas Corpus* Act and to establish martial law. The loyalists were also arming, and the hapless Governor described himself as between Scylla and Charybs (!), with Papineau's destructives on the one side and the British party on the other.

Attitude of Roman Catholic Church. In this crisis a powerful ally took the list on the side of law and order. The Roman Catholic bishop of Montreal issued a *Mandement* to be read in all the churches condemning, in clear language, the proposed rebellion, and telling the people to reflect upon the horrors of civil war. On November 6, 1837, a riot occurred in Montreal, occasioned by a conflict between a procession of 'sons of freedom' and members of the loyalist *Doric* Club. During this the office of the *Vindicator* newspaper, which had been conspicuous for the violence of its revolutionary language, was wrecked.

Face to face with rebellion, Gosford asked to be relieved of his command. He was a victim to gout, and if strong measures were to be taken he urged that it would be expedient that they should be directed by some one less pledged to a mild line of policy. At last more effectual means were being taken for the preservation of order. The strong hand of Colborne was at work; and in November warrants were issued for the arrest of Papineau and twenty-five others. Nine of them were lodged in gaol, but Papineau, his ally Dr. O'Callaghan, an Irish Radical, who afterwards did good work as state archivist in New York, and the others with two exceptions, succeeded in escaping. The rescue of these two, who had actually been taken, marked

Outbreak of insurrection. the beginning of the insurrection. Large numbers of insurgents were collected at St. Denis and at St. Charles on the Richelieu river; and troops were sent to disperse them and to arrest the leaders. An advance was accordingly made from St. Ours upon St. Denis, where the rebels, under a Dr. Wolfred Nelson, who had been one of the leading Radicals, made a successful resistance. Papineau had been at Nelson's house the same morning, but had made his escape, with a view to taking refuge in the United States. The repulse of the British troops gave much encouragement to the rebels, though the cold-blooded murder of Lieutenant Weir, when trying to escape (November 23), could not serve to advance their cause among the kindly French Canadians.

Collapse of insurrection.

Another expedition, which proceeded from Chambly against St. Charles, met with greater success. The rebels were defeated with serious loss, and thereupon the insurgents at St. Denis also dispersed, Nelson himself being taken prisoner on December 4. The rebellion in the north-east was thus quashed; but in the county of the Two Mountains to the north-west of Montreal disaffection had taken stronger hold. Here the malcontents were gathered at St. Eustache under Dr. Chénier, one of the few French Canadians of good birth and character who took part in the rebellion. The half-armed peasants showed a pathetic confidence in their capacity to resist regular troops; but when an advance was made by an army of two thousand men under the commander-in-chief, the resistance attempted was in the nature of things very slight (December 13). The fall of St. Eustache necessitated the collapse of the rebellion in the district of Two Mountains, and the troops returned to Montreal with some hundred prisoners. The insurrection for the time was at an end; but it remained for British statesmen to read the lesson of its origin.

Situation in Upper Canada.

We have seen that in Upper Canada the new Lieutenant-Governor, Sir Francis Bond Head, found a situation of no small difficulty. The reform party was becoming soured, and Mackenzie openly affirmed that all British administrations were alike, and that it mattered nothing to the colonies whether a Castlereagh or a Glenelg was Secretary of State, the results were in either case the same. Head came out with the reputation of being a Liberal, and his first measures were conciliatory. He sought to strengthen the Executive Council by placing on it some members of the opposition. Among others who were induced to serve was Robert Baldwin, the future Prime Minister, whose name was to be so closely associated with the history of United Canada. It was never intended, however, that these new councillors should have a voice in the direction of policy, and in consequence they soon retired in disgust, after holding office for twenty-two days.

Head and the Assembly.

From this time Head and the Assembly were at war; but the Speaker, Bidwell, played into the hands of Government by publishing a letter from Papineau, which could be read as an invitation to treason. The majority, however, were not shocked by the disclosure, and, for the first time in its history, the Upper Canadian Assembly refused supplies. But a nemesis was awaiting them; and in the general election of 1834 they were completely routed. The Lieutenant-Governor considered that he was engaged in a life and death struggle with republicanism, and threw his whole official influence and authority on the side of the Tory party. The overwhelming character of their defeat took the reformers by surprise; and it is stated that Mackenzie never recovered from the effects of losing his seat at Toronto. Hitherto, in spite of his violent utterances, he had been cheery and genial in private life; henceforth he was morose and depressed. No less unfortunate in their way were the results upon Head of his signal triumph. It impressed Lord Glenelg, so that he suffered meekly the inflated bombast in which Head explained his general policy. The apostle of conciliation could not, of course, hear without a mild protest Head's blood and thunder sentiments; but men are judged by results, and the results of Head's proceedings seemed eminently satisfactory. At the same time, it was impossible to pass over his disregard of orders. A district judge had been dismissed on the ground that he was a member of the Constitutional Reform Society, and an order for his reinstatement was openly disobeyed. Again, Marshal Bidwell had been passed over and inferior lawyers appointed to the bench; Glenelg remonstrated, upon which the Lieutenant-Governor replied that he had determined to take the serious responsibility of non-compliance with the Secretary of State's orders. In these circumstances he tendered his resignation, which even the long-suffering Glenelg was obliged to accept. At the same time he bore witness to the 'advantage to the public service' which had followed Head's exertions (November 24, 1837).

Resignation of Head.

It was precisely at this time that the full extent of this 'advantage' was to be made manifest. The result of the general election had been to throw discontent beneath the surface, and to cause the extreme party to gain in bitterness what it lost in numbers. A wise governor would have taken good care not to be caught unprepared; but Head, wrapped in his own self-sufficiency, approved of the removal of the British troops from the province.

False security of Head.

Throughout the summer of 1837 an agitation went on, which the great majority of those who took part in it intended to keep within constitutional lines; though Mackenzie, it would seem, was already contemplating armed resistance. A convention was decided upon for the spring of 1838, the objects of which were to be supported by a great demonstration. In the event of the Lieutenant-Governor and his council resisting the will of the people, their forced detention was intended. A provisional government should then be established, with Dr. Rolph at its head, if he was willing. It has never been cleared up how far Dr. Rolph was implicated in such designs; but the attempt to draw Bidwell into the revolutionary net met with complete failure, and called forth the announcement that he intended to withdraw altogether from political life. To give force to the demonstration, a system of secret training and drill was carefully organized throughout the townships. Some rifles and ammunition were

Revolutionary aesigns.

Preparation of insurgents. smuggled in from the United States, and the manufacture of rude pike-heads was begun. That these preparations were carried on under the very nose of the Government marks the infatuation of Head's behaviour. Mackenzie proposed in October a raid upon Government House and the capture of the Lieutenant-Governor. At first the project was scouted; but it may well have been feasible, mainly because of Head's over-confidence. It was in vain that Colonel FitzGibbon, who had done good service in the war of 1812, sought to instil his fears into the Lieutenant-Governor. *Infatuation of Head.* Head's vanity was concerned, as he was determined to preserve Upper Canada 'without a single soldier or a step being taken to guard against or to prevent disturbance'. At length, however, in deference to others, he condescended to sanction the arrest of Mackenzie and the embodiment of two regiments of the Militia, and FitzGibbon was at the same time appointed acting adjutant-general.

Outbreak of rebellion. The news of these preparations was sent to Mackenzie by Rolph, that he might, if possible, enter Toronto on Dec. 4th and forestall them. The attack was not made till the 5th, when a rabble of some five hundred men marched upon Toronto. The first blood of the rebellion had been already shed, a British officer, Colonel Moodie, having been shot dead on the night of the 4th when reconnoitring. The news of the rebellion was brought to Toronto by a loyalist, who, after being captured, had effected his escape. Head, who had paid little heed to FitzGibbon's warnings, was at last convinced. FitzGibbon was anxious to attack the insurgents, knowing that they were a rabble half-armed and without leaders or discipline; but Head barred the way, saying that he would not fight them on their ground; they must fight him on his. His confidence had now apparently given place to alarm. He refused to allow FitzGibbon to send out a picket; and parleying was entered into with the rebels, so as to give time for the arrival of the Militia. The story of

Conduct of Rolph and Head.

this proceeding is not pleasant reading. Robert Baldwin, indeed, went as the Governor's messenger in singleness of heart to warn the insurgents of their danger; but his companion, Dr. Rolph, was in secret correspondence with the rebels, and his behaviour at the interview was more than equivocal. Upon the other hand, the refusal of Head to put in writing terms which he had offered by word of mouth has an ugly look, and it would seem that the arrival of volunteers, and more accurate accounts of the strength of the rebel forces, had quieted the Governor's fears, and caused him no longer to hold out hopes of amnesty.

Attack upon Toronto.

Meanwhile, according to the subsequent testimony of his own followers, Mackenzie's behaviour was that of a lunatic. He gratuitously outraged the feelings of the more respectable among his followers by wantonly burning private houses, and his actions can only be explained by the fact that his nerves were completely overstrained. An abortive attack upon Toronto was made on the evening of December 5, and when it was renewed on the 7th it was wholly desperate, reinforcements having poured into the city throughout the preceding day. The rebellion was put down with very little loss of life. Mackenzie succeeded in escaping to the United States; but his second-in-command, Samuel Lount, was captured, and, in spite of strong petitions in his favour, was afterwards hung.

Head's behaviour towards Bidwell.

Discreditable as had been to most concerned the events of the Upper Canadian rebellion, the events which followed its suppression were as bad. Bidwell was an advanced Radical by conviction, but physically and intellectually he was the last man likely to be drawn into revolutionary courses, and it seems clear that, by working on the weak side of his character, Head succeeded in causing him to pronounce upon himself a verdict of banishment.

But whatever our opinion may be of Sir Francis Head, it is undoubted that he had the confidence of the Upper

Popularity of Head.

Canadian legislature. When he announced his approaching departure, owing to a difference of opinion between him and the home Government, the Assembly declared that if anything could shake their attachment to the throne, it was the exhibition of ungenerous distrust towards an officer who had done such service as he had done. Be this as it may, it was time that, in the clearer atmosphere of a wider political union, the disgraceful page of Upper Canadian history which tells of the rebellion of 1837 should be recognized as belonging to an obsolete past.

AUTHORITIES

The Dispatches are calendared in Brymner, *op. cit.* 1902.

The Canadian Rebellion in 1837. By D. B. Read. Toronto, 1896.

Kingsford, *op. cit.* vol. x, pp. 1–104 and pp. 343–417.

Garneau, *op. cit.*

Christie, *op. cit.*

La rebellion de 1837 *à Saint Eustache.* Quebec, 1883 (contains an account, day by day, of what happened for twenty days, by the vicar of the parish).

Lindsey, *op. cit.*

The Story of the Upper Canadian Rebellion. By J. C. Dent. Toronto, 1885.

A narrative (of his administration of Upper Canada). By Sir Francis Bond Head. 1839.

CHAPTER XII

LORD DURHAM'S REPORT

Mission of Lord Durham.

Face to face with the situation in Lower Canada, the home Government took the wisest course that was possible in the circumstances. The Constitution was suspended for three years, and Lord Durham was sent out as special commissioner with very full powers. No better choice could have been made. Durham was an advanced Radical, who 'saw with regret every hour that passed over recognized and unreformed abuses'; but he was also a fervid imperialist, the first British statesman, since Chatham, who recognized the possibilities latent within the Empire. The very qualities which made him an impossible colleague were of service for the special mission on which he was employed. The curse of colonial administration had been the timid shrinking from responsibility; but here was a governor who was not afraid to act regardless of others. He refused to avail himself of the special council, which had been set on foot by Sir John Colborne, during the short time in which he administered the government, from the departure of Gosford to the coming of Durham. The members of it could not but be tarred by the brush of political controversy; and Durham was determined that his administration should be free from all suspicion of political influence or party feeling, and that it should rest on his own individual responsibility. A condition precedent, however, to the success of such a procedure was that it should have the loyal support of the home Government.

His staff. Durham arrived in Quebec towards the end of May accompanied by a numerous staff. His chief secretary was Carlyle's pupil, the brilliant and capable Charles Buller, whose premature death some years later proved a severe blow to liberal imperialism. Considerable outcry had been raised in England over the appointment to Durham's staff of Thomas Turton, who had figured in the divorce court. Durham had intended to give an official position to Gibbon Wakefield, the inspirer of the policy of systematic colonization; but Wakefield's past stood in his way, and the Secretary of State refused his sanction. Wakefield, however, accompanied the mission in a private capacity.

His reception. Lord Durham had no reason to complain of his reception. The French were for the moment disillusioned by the complete failure of the 1837 insurrection. Moreover, Mr. Roebuck, the English agent of Lower Canada in London, had been already approached on the question whether some form of federation would be acceptable. The British, on the other hand, who might naturally be expected to regard with suspicion a governor, who was a *persona grata* to the French, had suffered too much from weak rulers not to give a respectful greeting to one who was at least a strong man.

Treatment of guilty. The first question requiring settlement was the treatment to be accorded to the guilty, which had been postponed for the decision of Lord Durham. Three hundred and forty of the prisoners had been liberated, but one hundred and seventy-four were still detained. Durham proclaimed a comprehensive amnesty, which included the whole population, with the exception of eight prisoners, who, on pleading guilty, were, by a special ordinance, banished to the Bermudas, without formal trial, and of a further sixteen, who, having absconded from justice, were held liable to the death penalty, were they to re-enter the province; among these sixteen were included the names of Papineau and Nelson. However wide were Durham's powers, and they had been somewhat abridged by amendments to the measure appointing him, it was obvious that they did not include the power of banishment to the Bermudas; and there were thus good technical grounds for the criticisms which were directed against the ordinance in Parliament. But throughout Canada there was a general consensus of opinion that Durham had wisely tempered justice with mercy; and it was to the credit of all concerned that the rebellion of 1837 should have ended without the judicial shedding of any blood. Unhappily, when the news of the ordinance reached England, Lord Brougham, who had a personal grudge against Durham, appeared as the champion of outraged law; and the Duke of Wellington, for once allowing party interests to warp his judgement, joined in the hue and cry. The defence of their agent by the Government in the House of Lords was of so tepid and feeble a character as to seem to endorse his condemnation. The Ministry assented to a Bill, introduced by Brougham, indemnifying those who had acted under the ordinance; and they formally disallowed the ordinance itself. The alarm which the action of the House of Lords caused to the English merchants trading with Canada was a striking comment on its folly. It was not the first nor the last time on which English party politics had cast a malignant shadow over the affairs of the colonies.

Criticism of measure in England.

Durham first knew of the debate in the House of Lords from an American newspaper. He had already noted the ominous silence with which the Prime Minister had received the Duke of Wellington's statement on July 4, that he had no powers beyond those of an ordinary governor. On recognizing his virtual abandonment by the home Government, Durham rightly concluded that the necessary condition for the success of his mission was not being fulfilled, and at once decided on resignation. He was at the time suffering from illness; but his action was not due to this cause. So

Durham resolves to resign.

Action not due to personal pique. far from resigning under the influence of personal pique, he continued in the Government until he had received the results of the inquiries which he had instituted. He believed that he might do good on his return by using his experience 'to check the prevailing disposition of Parliament to decide on the vital interests of that distant community, according to the principles of a constitution and the feelings of a state of society the least analogous to those which prevailed in Canada'. Had the subject of Durham's ordinance first been dealt with in the House of Commons, his resignation might not have been necessary—as he afterwards acknowledged that from Lord John Russell alone of the Ministry he had always received cordial support.

Visit to Upper Canada. Little expecting what was shortly to happen at home, Durham in July had paid a visit to Upper Canada—when the need of further developing the Welland Canal was forcibly brought home to him. In August he sent home a memorable dispatch wherein he described vividly the general situation in Lower Canada, and anticipated many of the conclusions of his subsequent report. At this time, however, he was still in favour of a confederation of the British North American provinces. It was not till he came in personal contact with representatives from the maritime provinces that he realized how strong were the objections at this time to confederation. (It was during the visit of those delegates that the news arrived which brought about his resignation.)

Exceptional character of situation. In judging Lord Durham's position we must remember that the whole matter was of an exceptional nature. He admitted that his acts had been despotic, because his delegated authority had been despotic. 'Until I learn,' he wrote, 'from some one better versed in the English language that despotism means anything but such an aggregation of the supreme executive and legislative authority in a single head, as was deliberately made by Parliament in the Act which constituted my powers, I shall not blush to hear that I have exercised a despotism; I shall feel anxious only to know how well and wisely I have used, or rather exhibited an intention of using, my great powers.' In the same proud spirit of driving matters to their logical conclusion, he refused, when once the ordinance was disallowed, to follow Glenelg's suggestions as to attempting to qualify the complete amnesty which was the result of the disallowance of the ordinance.

Appeal to Canadian people.

In October Durham took the unusual and, in the ordinary circumstances, unconstitutional course of issuing a proclamation, in which he explained the reasons of his resignation, and in effect appealed from the action of the home Government to Canadian public opinion. The wisdom of this proclamation has been vigorously defended by Charles Buller. The general unpopularity of the British Government, he explains, was such that a little more or less could not affect it, whereas it was a matter of vital importance that the angry and suspicious colonists should find one British statesman with whom they could agree. It is certain that an ominous disposition was beginning to show itself among the British population. The possibility of separation from the Empire was openly discussed. It had been one of the merits of Durham's conduct of affairs that he had placed British relations with the United States on a more satisfactory footing. The sending of his brother-in-law, Colonel Grey, on a special mission to Washington was attended by excellent results; and the more friendly disposition of the American Government prevented incidents such as the burning of a Canadian steamer, the *Sir Robert Peel*, by American filibusters and the subsequent raids against Upper Canada from possessing political importance.

Durham's stay in Canada only lasted for five months, from May 27 to November 1; and his judgements, so far as they were personal, were therefore of necessity formed on a very cursory observation. He may thus have been sometimes misled; whilst the extreme pomp and parade which he kept up may have occasionally served to screen from him the real facts. He perhaps exaggerated the racial antagonism between the French and English populations, and most certainly his forecasts with regard to the future extinction of the French nationality have proved wholly wrong. In one sense his mission was a failure, in that it failed to conciliate the French or to win the approval of the home Government. It was, moreover, a source of much annoyance and disappointment to himself, and probably shortened his life. Nevertheless, we all now recognize that his very failure carried within it the seeds of a far wider triumph. Without the combative attitude, which had been forced on him, the language of his epoch-making report would have been couched in less trenchant terms, and the interest which it aroused would have been far more ephemeral. From the time of the publication of that report it became impossible for statesmen to continue to tread with smug self-satisfaction the same weary path which led to the alternative quagmires of anarchy or coercion; although it was not for some years that its full lessons were applied.

Results of mission.

Authorship of report.

It is characteristic of the ill-luck which dogged Lord Durham that he should have been denied the credit which attached to the writing of this report. The gossip of the clubs, first started by Brougham, set the ball rolling, and sober history has taken the gossip very seriously. The late Dr. Garnett, assuming the truth of the tradition, sought by internal evidence to show how much of the report was due to Durham himself, how much to Charles Buller, and how much to Gibbon Wakefield. Of course, in a sense, the report was largely the work of others. There are always workers behind the scenes, to whom, if we but knew, much of the credit of the public performance is really due. No doubt some laborious treasury official might have claimed to have been in some sort joint-author of one of Mr. Gladstone's great Budget speeches; but is it likely that Durham in a white-heat of indignation and in no wise deficient in confidence in his own powers, should have left the whole burden of his defence in other hands? Charles Buller wrote of the report as Durham's own handiwork, and Lady Durham bore witness to his toil at it. Its style is very characteristic of the combination of the fastidious aristocrat and convinced reformer, which made up Lord Durham. In these circumstances, it seems idle to go behind the stated fact. Neither Durham nor Buller nor Wakefield were, of course, the first to advocate responsible government. None the less will Durham be remembered as its successful evangelist.

Conclusions of report.

The main conclusions of the report are the necessity of responsible government, i.e. of government by an executive in sympathy with the majority of the legislature, and of a Union of the two Canadas, so as to give the experiment a fair chance. Incidentally the report brings out Durham's own position. He had gone out as a Liberal, believing that the cause of the French Canadians was that of liberalism. When he found them stationary and stagnant, his enthusiasm cooled, and the direction of his mind turned to other measures, which should in time undermine their nationality. The British population, on the other hand—whom he had confused with the narrow oligarchy at their head—he found 'a very independent, not very manageable, and sometimes a rather turbulent democracy'. He was struck by the probability that the British, out of disgust with the Government, might be driven into the arms of the United States. Under a surface of hostility he could detect a strong undercurrent of an exactly contrary feeling. Such, then, were the reasons —first, the illiberal character of the French Canadians; secondly, the necessity on imperial grounds for conciliating the British—which led to the conclusion that henceforth the first and steady purpose of the British Government must be to establish an English population with English laws and language in the province, and to trust its government to none but a decidedly English legislature. In his argument Durham no doubt treated with unnecessary contempt the traditions and ideals of the more literary French Canadians. His dislike of arbitrary government or of artificial checks led him to hasten to the path of safety promised by an English majority. He had at first preferred a general scheme of confederation to a political union of the two Canadas; but such a scheme required time, whereas the work in hand had to be done quickly. Moreover the difficulty of intercommunication made such a federation at the time impossible. A wilderness of several hundred miles lay between the Maritime Provinces and Quebec. The task was wholly different from that which had been achieved by the United States. A more general union was indeed advisable, so that a citizen of British North America might feel himself of importance beside one of the United States; but the union of the two Canadas would prepare the way for such a consummation. In a pregnant sentence, which was not laid to heart by those who afterwards drafted the Union Act, Durham wrote that electoral arrangements founded on the present provincial divisions would tend to defeat the purposes of union and perpetuate the idea of disunion. He believed that the British population of Lower Canada, along with that of Upper Canada, which was growing rapidly, would be able to hold its own in fair rivalry with the French.

Union as against confederation.

Subjects of imperial concern.

While proposing to entrust to the Colonial Executive the full management of all local concerns, Durham recognized that there were certain subjects which were the peculiar province of the British Government. The constitution of the form of government, the regulation of foreign relations, and of trade with the mother-country, the other British colonies, and foreign nations, together with the disposal of the public lands, seemed the only questions which should remain within the control of the mother-country.

The language of the report is now very familiar, and it is difficult to realize the revolution which its acceptance implied. It was the great good fortune of Great Britain that, when her whole system of colonial government had to be altered root and branch, the course to be followed was pointed out by a statesman at once so possessed with the idea of British Empire and so staunch to the traditions of British liberties as was this Elisha to the principles of Chatham. The coincidence of the hour and the man perhaps decided for centuries the future of Greater Britain.

AUTHORITIES

Lord Durham's Report was reprinted in 1902 by Messrs. Methuen. It has been edited in three volumes by Sir Charles Lucas: Vol. i, Introduction; Vol. ii, Text (with notes); Vol. iii, Appendixes.

Life and Letters of the first Earl of Durham. 2 vols. By Stuart J. Reid. 1906. Vol. ii draws upon a very valuable unpublished account of the mission by Charles Buller.

Some of the more important dispatches of Lord Durham are printed in Egerton and Grant, *op. cit.*

Self-government in Canada. By F. Bradshaw, 1903. Contains a full account of Durham's stay in Canada, and an admirable analysis of the report.

CHAPTER XIII

THE MARITIME PROVINCES

In the previous volume of this history the affairs of Nova Scotia and Cape Breton played a prominent part; but they played it in connexion with the war between France and Great Britain, and it is difficult within a short compass to bring out the internal development of small communities.

Nova Scotia and the American War.

Nova Scotia remained unshaken by the example of the southern colonies; but the results of the American War greatly affected it by causing a numerous immigration of American loyalists, no less than thirteen thousand arriving at Halifax, Annapolis, and other places within a few months. In consequence of the accession of population in the southern portion of Nova Scotia, New Brunswick was in 1784 constituted a separate colony. Nova Scotia was for many years a preparatory school, where governors of Lower Canada passed a period of apprenticeship. Sir George Prevost, Sir John Coape Sherbrooke, Lord Dalhousie, and Sir James Kempt were all moved to Quebec from Halifax. Sir Peregrine Maitland, on the other hand, went from Upper Canada to Nova Scotia.

Internal reforms.

The public life of the colony was for years very peaceful, the governors being able to confine their attention, for the most part, to the subjects of agriculture, education, and road making. Lord Dalhousie was very active in the encouragement of the two former. Grammar schools had been established in many places as early as 1811, but to Dalhousie was owing the establishment of Dalhousie College (1841), founded on the undenominational basis prevailing in the Scottish universities. The eight years of Sir James Kempt's administration (1820–8) were chiefly remarkable for the great improvements effected in the public roads. The question of quit rents came to the fore in 1829 and 1830. In 1759 Governor Lawrence had announced that the public lands granted would be subject to a quit rent of one shilling a year for every fifty acres, but the collection of this rent was suspended indefinitely. In 1811 an attempt was made to collect it, and in 1827 all arrears were remitted, and the collection ordered to be for the future enforced. In reply to a remonstrance from the colony, the Secretary of State professed willingness to agree to a commutation of these rents. The colonial Assembly, however, wished neither to commute nor to pay, and declared that the relinquishment of the claim would give general satisfaction, as its long suspension had induced the belief that it would never be insisted upon, and transfers of land had, almost invariably, been made under this impression. It was not till 1830, under the government of the incapable Maitland, that constitutional questions began to agitate the colony. In that year a contest between the Assembly and the Legislative Council over the amendment by the latter of a revenue bill was a foretaste of what was to follow. Economic distress and an outbreak of cholera, which ensued in 1834, were not calculated to allay any feeling of unrest, and when voice was given to vague dissatisfaction by the appearance upon the political stage in 1835 of Joseph Howe, the most powerful political speaker and writer whom British North America had yet produced, the way was made clear for a new direction to be given to public life.

Question of quit rents.

Beginning of constitutional dispute.

It must be remembered that the first years of the century had been in Nova Scotia, upon the whole, marked by great prosperity. During the war with France money was spent by the British Government in the purchase of goods; and the sale of ships and cargoes brought in by British cruisers was a cause of riches to the colony. The ships of war, which lay in the harbours and the dockyard, created a great demand for all sorts of produce, and high prices were obtained by the occupiers of land for what they brought to market. But with the coming of peace the sources of this artificial prosperity were dried. Real estate fell in price almost immediately; trade declined, and a general gloom settled over the province. Valuable coal mines had indeed been discovered in 1798 in Pictou County, but it was not till a later date that the industry became of importance. Lumbering was the main business of the people of Pictou, who were for the most part Scottish Highlanders, to whom the wild life in the forest was congenial. With the failure of the timber trade after the war, more serious attention was given to agriculture, though wooden shipbuilding remained a most important industry in Nova Scotia.

Effect of peace.

Position of Church of England.

As was the case in Upper Canada, one of the first serious causes of political strife arose out of the attempts of the Church of England to assume, under wholly different conditions, the position which it occupied in the mother-country. Thus the Pictou Academy, started in 1816, with the object of providing for dissenters the opportunities which were given by King's College, Windsor, for members of the Church of England, was wrecked on the reefs of religious bigotry. Neither the economic nor political circumstances had been such as to give leisure for political theorizing; but the system of government which held the field was bound, sooner or later, to cause the same agitation which distracted the other colonies. There were a few individuals in Halifax, representing the social and business life of the Colony, who were able to direct public opinion, and not only to influence, but to control, all public measures. Seated in the capital, they governed the movements of all the different parts; as they touched the spring the wires moved throughout the

Dominant oligarchy.

different counties and towns. Nowhere was the dominant oligarchy more firmly entrenched.

Although the great majority of the population were not members of the Church of England, two-thirds at least of the Council belonged to that Church. The English bishop was a member of Council, while the Roman Catholic bishop and clergymen of all other denominations were excluded. The Assembly for years asserted their right to control the casual and territorial revenues of the country, but the Commissioner for Lands, who was a leading member of the Council, was interested in the maintenance of the old system, and the efforts of the Assembly were for long unavailing. There was the same Council for legislative and executive purposes, and it sat with closed doors. Against the serried ranks of the 'Council of Twelve' the assaults of the popular Assembly for some time broke in vain.

Movement towards responsible government.

The story of the full accomplishment of responsible government in Nova Scotia belongs to a later period, but we may note the different results which followed from Lord John Russell's dispatch of 1839, notifying that henceforth officials in the colonies could not count on a permanent tenure in Nova Scotia and in New Brunswick. In the latter the Lieutenant-Governor, Sir John Harvey, warmly welcomed the proposed change, while in the former Sir Colin Campbell did all he could to preserve the old system. In some respects the struggle for self-government was more difficult in Nova Scotia than in the other colonies. In Lower Canada the movement had behind it the force of racial patriotism, and both Upper Canada and New Brunswick were essentially democratic. But in Nova Scotia there was a stronghold of aristocratic prejudices such as existed in no other colony. Halifax has been described as not the capital of the province so much as the province itself. The harbour was open all the year round; and it was within much easier communication with Great Britain than was any other British possession in

Position of Halifax.

North America. It had a large garrison, and was the summer head quarters of the British North Atlantic squadron. In these circumstances it became a desirable residence for retired soldiers and sailors and other British gentlemen. A conservative upper class thus came into being, from which the members of the Council were for the most part chosen. Social distinctions were jealously maintained; and we are told that 'in no German capital were the lines drawn more rigidly. The Bench and the Bar, the Church, the College, the city, the banking and great mercantile interests, the influences of the army and navy, all contributed to form and strengthen the edifice',[1] while at the same time the system was administered both honestly and efficiently. Yet it was this stately edifice which the genius and energy of a single man, Joseph Howe, succeeded in overthrowing. The time-spirit was, of course, in his favour, and in any case it must have been impossible permanently to maintain in the new world a replica of a system which was becoming obsolete in the old; none the less was Howe's achievement remarkable.

Situation in New Brunswick.

In New Brunswick, which was made a separate province in 1784, there was from the first much discontent. The locking up of large areas of the best land in the province, as reserve grounds for the production of masts for the royal navy, was a grievance widely felt. The whole management of the public lands was open to grave criticism. Large sums were exacted for licences to cut timber on Crown lands; and the Assembly was without any kind of control over the Commissioner of Lands, who received a very high salary. The revenue from the Crown lands being sufficient to pay the civil list, there was no check upon the Executive. The Assembly was willing, in return for the control of the public lands, to undertake to vote a permanent civil list, but for years it proved impossible for the home Government and the Colonial Legislature to come to terms. The presence of a Lieutenant-Governor from 1831 to 1837 who, though honest and well-meaning, was singularly narrow and short-sighted, served to make things more difficult. Sir Archibald Campbell, the predecessor of the more liberal Sir John Harvey, did all in his power to prevent the settlement finally arrived at, and preferred to resign rather than to carry through the new policy. In New Brunswick the old causes of quarrel over the position of the English Established Church and education were found in an extreme form. In the struggle for reforms Lemuel Allan Wilmot played, on a less interesting stage, and with less originality of genius, the part played in Nova Scotia by Joseph Howe.

---

[1] *Joseph Howe.* By G. M. Grant. Halifax, 1904.

Loyalty of province.

Although in both these provinces there was much grumbling, the quarrel was with the Colonial Executive and not with the British connexion. When in 1839 the Governor of Maine took possession of the Aroostook Valley, which was claimed by Great Britain, the reformers in Nova Scotia and New Brunswick showed the utmost zeal to oppose the United States. The evils, though real, required a simple remedy, and with the granting of responsible government the troubles ceased.

Cape Breton.

St. John's Island and Cape Breton were, after the Peace of 1763, at first attached to Nova Scotia, but afterwards (in 1770 and 1784) they were placed under separate governments. After the conquest immigration into Cape Breton was discouraged. Inasmuch as the working of the coal deposits of Cape Breton was forbidden, it would seem that the intention was to prevent the encouragement of manufactures, which might compete with those of the mother-country. In 1827 all the mines of Cape Breton and Nova Scotia were handed over to the Duke of York, who transferred them to his creditors. Some of these formed a company known as the General Mining Association, which from 1827 to 1857 controlled the mines of Nova Scotia. This company played for many years a leading part in the social and political, no less than in the economic, life of Nova Scotia.

The population of Cape Breton remaining small, even after the prohibition against settling there had been removed in 1784, it proved impracticable to set on foot an Assembly; but in its absence the members of the Council proceeded to fight amongst themselves. A new Lieutenant-Governor, who arrived in 1813, found the Chief Justice suspended and the most violent animosities prevailing among both the Government officials and the principal inhabitants. The magistrates had been suspended for some months past, on the ground that they had not been duly qualified. The finances were reduced to the lowest ebb, and the coal mines, which were now being feebly worked, were in a state of bankruptcy. It was in keeping with all this that it was found in 1817 that the Governor and Council had for years been violating the law by imposing duties or taxes, such power being expressly excepted by the King's commission and instructions. In this state of things, inasmuch as, in spite of the large immigration which had taken place, an Assembly was not deemed desirable, the only course open was to re-annex the island to Nova Scotia, which was done in 1820 by Lord Dalhousie, with the general approval of the inhabitants.

Prince Edward Island.

Prince Edward Island, known as St. John's till it was renamed in 1798 after the Duke of Kent, the father of Queen Victoria, was, after it became British, at first attached to Nova Scotia. On the petition, however, of a majority of the proprietors of the island, it was made a separate government in 1770. Prince Edward Island was a standing example of the old system of colonial government. Nearly the whole island was alienated in one day, in 1767, by the Crown in very large grants, chiefly to absentees, and upon conditions of settlement which were wholly disregarded. Writing in 1838, Lord Durham affirmed that the great bulk of the island was still held by absentees, who held it as a sort of reversionary interest, which required no present attention. The absent proprietors neither improved the land themselves nor allowed others to improve it. Notwithstanding that the population remained very small, a representative Assembly was established in 1773. The history of the colony is to a very great extent the history of the struggle between the proprietors and the representatives of the people over the land question. In 1860 a Commission was appointed to inquire into the existing relations of landlord and tenant, and to arrange terms for enabling the tenants to convert their leaseholds into freeholds. The legislation following on the report of the Commissioners was, however, disallowed by the home Government, and it was not till 1864 that an act was passed for settling the differences between landlord and tenant, and to enable the tenants in certain townships to purchase the fee simple of their farms on payment of fifteen years' rent.

Steam shipping communication with Great Britain.

The tendency of small communities, deeply interested in their own local concerns and hearing little from the outside world, is to become isolated and to lead a life wholly distinct from that of their mother-country. If this tendency is to be arrested, it must be by the influence of scientific discovery, bridging time and space, rather than by sentimental considerations. In this connexion the establishment of the Cunard Steamship Company in 1839 was an event of capital importance in the history of the British Empire. The steamers began to sail between Liverpool and Halifax and Boston in 1840, so that just when a new scene was opening, in which British North America might consider that its own concerns were enough to occupy its undivided attention, science was forging links which, aided by deep-seated associations and the pieties of a people essentially conservative even in their love of change, were to become grappling chains on behalf of the cause of a world-wide patriotism.

As was his wont, Joseph Howe had been among the first to see the full significance of the new movement. 'If Great Britain is to maintain her footing upon the North American Continent,' he wrote to Lord Glenelg, on August 24, 1838, '. . . she must at any hazard of even increased expenditure for a time establish such a line of rapid communication by steam as will ensure the speedy transmission of public despatches, commercial correspondence, and general information, through channels exclusively British and inferior to none in security and expedition. If this is not done, the British population on both sides of the Atlantic are left to receive through foreign channels intelligence of much that occurs in the mother-country and the colonies, with at least ten days, in most cases, for erroneous impressions to circulate before they can be corrected. . . . The pride as well as the interests of the British people would seem to require means of communication with each other second to none which are enjoyed by other states.'[1]

---

[1] *Letters and Speeches of Joseph Howe.* Edited by W. Annand, vol. i, p. 182. Boston, 1859.

AUTHORITIES

Nova Scotia. By D. Campbell. Montreal, 1873.

History of Pictou County. By W. Paterson.

History of New Brunswick. By J. Hannay.

History of the Island of Cape Breton. By R. Brown. London, 1869. One section of Sir J. Bourinot's *Historical and Descriptive Account of the Island of Cape Breton*, Montreal, 1892, deals with its history as an English possession.

History of Prince Edward Island, by D. Campbell. Charlottetown, 1875.

Howe, op. cit.

Joseph Howe. By J. W. Longley (in 'Makers of Canada' Series). Toronto, 1904.

Joseph Howe. By G. M. Grant. Halifax, 1904.

Wilmot and Tilley. By J. Hannay (in 'Makers of Canada' Series). Toronto, 1907.

BOOK II

THE UNION

CHAPTER I

THE PASSING OF THE UNION ACT

Measures of British Government.

LORD DURHAM'S report had sketched in bold outlines the measures necessary for the future of the Canadas, but there remained the difficult question of filling in the outlines of the picture. The Imperial Government decided at once upon the reunion of the two provinces, and a bill to this effect was introduced in the Session of 1839. In view, however, of the strong protest of the Legislature of Upper Canada, it was decided to postpone its passage through Parliament till the details of the subject had been reported upon by the new Governor-General. Mr. Charles Poulett Thomson was appointed to the post, and landed in Quebec in October, 1839. A better choice could hardly have been made to meet the difficulties incident to a period of transition. Poulett Thomson was a strong Liberal, anxious to govern according to the wishes of the people; and he was also an indefatigable worker, capable of every exertion to bring the people to accept his own point of view. Lord Althorp had described the appointment as the finest field for doing good which a statesman could desire; and it was in this high spirit that Poulett Thomson entered upon his work. He had further the inestimable benefit of receiving the loyal support of the Secretary of State, Lord John Russell: in his last message to him the dying Durham contrasted the differences of their two cases. Glenelg, who had been Durham's chief, had been forced by his colleagues to resign early in 1839, and, after Lord Normanby had held the Colonial office for a few weeks, Lord John succeeded him.

Poulett Thomson and the Union.

The new Governor-General had been a business man concerned with the trade to Russia, so that he was well fitted to deal with the financial questions which awaited settlement, and his appointment was a cause for congratulation to the mercantile community of Canada. On his arrival at Montreal, on October 22, the Governor-General summoned the Special Council, which had acted during the time of Colborne's dictatorship. It was a curious beginning to popular government that the opinion of the French Canadians was to be given by a Council which in no way represented them; but in the circumstances of the case there was no alternative course. Moreover, it was assuredly true that men of all shades of opinion were dissatisfied with things as they were. The great body of the French population remained sullen and aloof; and, though they were certainly not converted to the union, their state appeared too desperate for them to resist its coming into force. On the other hand the British felt deeply the indignity of being deprived of representative government. It was naturally a foregone conclusion that the Council should be in favour of the Governor-General's proposals; though Mr. Neilson, who was one of its members, made a valiant losing fight. It was agreed that the united province should take over the public debt of Upper Canada, and that the details of the Union bill should be settled by the Imperial Legislature. A permanent Civil List was also promised to the Crown. The Governor, in forwarding these resolutions, laid great stress on the need of a speedy settlement.

Upper Canada.

But Upper Canada had first to be converted, and here Poulett Thomson's task was by no means so easy. In this province imperial interests, and their own, were jealously watched by certain bulwarks of law and order, known by their opponents as the 'family compact'; though Lord Durham, a most hostile critic, had to confess that there was very little of family connexion in their undoubted cohesion.

Like other associations of men, their component parts differed in character. Some were good and some perhaps were bad. The Chief Justice, John Beverley Robinson, was a man of whom any country might be proud, and Strachan, now a bishop, with all his faults, was not guided by low motives. Considering the special circumstances of Upper Canada, where a British remnant was in constant danger of being swamped by American invasion, it was not unnatural that the peculiar guardians of British interests should have grown tetchy and suspicious. Certain it is that the sway of the 'family compact' was no government of fools. In its nervous vigour the reply of the Upper Canada Council to Lord Durham's report provides, even at the present day, admirable reading. It was, then, this powerful and interested junto, which found itself asked by Great Britain to pronounce its own doom. Moreover, great numbers of the loyalist majority of the people had been embittered by Lord Durham's refusal to allow Sir George Arthur, the Lieutenant-Governor, to gratify their desire for vengeance upon the partakers of the rebellion. In this state of things, as late as March, 1839, the Upper Canadian Assembly declared themselves opposed to union, unless certain impossible conditions were fulfilled. Thus it was declared indispensable that Lower Canada should have only fifty representatives in the united Legislature, against sixty-two to be returned by the Upper Province. In the same spirit it was claimed that after 1845 the elective franchise should be confined to those holding land in free and common socage; the effect of which would have been wholly to disfranchise the French habitants. The English language was to hold the field in the Legislature, the law courts, and all public proceedings.

The Governor-General on the situation.

Poulett Thomson assumed the government at Toronto on November 22, and was at once made aware, by an address from the Corporation of Toronto, of the prevailing temper. The ascendancy of the loyal portion of the inhabitants was declared to be essential to any legislative union. It seemed intolerable that those who, from education, habits, and prejudices, were aliens to British institutions, many of whom, moreover, had been engaged in open rebellion, should receive the same rights and privileges as the loyal inhabitants. Poulett Thomson was not a little disturbed at the state of things he found prevailing. It was far worse than he had expected. The country was split into factions animated with the most deadly hatred to each other. The people had got so much into the habit of talking of separation that they had got to believe in it. Poulett Thomson found the constitutional party as bad as or worse than the other, in spite of its professions of loyalty.

The Upper Canada Legislature was opened on December 3, and a few days later the question of the union was brought before it by message. 'Within this province,' the Governor wrote, 'the finances are deranged; public improvements are suspended; private enterprise is checked; the tide of immigration, so essential to the prosperity of the country and to the British connexion, has ceased to flow; while by many the general system of government is declared to be unsatisfactory.' For these evils union seemed the only remedy; but it must be union under just conditions. The Assembly was invited to agree to the principle of the equal representation of each province in the united Legislature. Such a principle was at the time undoubtedly unfavourable to Lower Canada, but it was expected, as afterwards happened, that with the increasing population which would result from immigration, the inequality would soon right itself. Moreover, the agricultural and commercial enterprise of the people demanded that they should not be placed on a footing of inferiority. In passing, we may note that the union, as proposed and carried, was no thorough fusion of the rival interests and races of Canada such as that shadowed forth by Lord Durham. The two streams met indeed but to run side by side in parallel channels, until the one threatened to overleap its neighbour's

Conditions of union.

banks, and they both found an outlet in the waters of federation. The experience of the past made the provision of a Civil Service list a necessary condition of the settlement; while the provision that so much of the public debt of Upper Canada as had been contracted for public works of a general character should, after the union, be charged to the joint revenue of the united province, was all in favour of Upper Canada; though, considering that such public works were to the general advantage, it was clearly right that obligations with regard to them should be a public charge. It was this last provision which doubtless brought many converts to the proposals. The financial position was serious. The deficit amounted to some £75,000 a year, and equalled the revenue; so that, although the province possessed vast undeveloped resources, the immediate outlook was gloomy enough. With this lever in his hands, Poulett Thomson succeeded in carrying the resolutions through the Assembly in spite of the opposition of the 'family compact' party.

Conditions accepted.

A dispatch from Lord John Russell, which warned officials that they had no life tenure of their offices, but that in future their continuance in office would depend upon other circumstances than mere good behaviour, may have served to draw into line the members of the Legislative Council. The Governor was able to write, on December 31: 'The union is carried triumphantly through the Legislatures of both provinces. . . . It has not been without trouble and a prodigious deal of management, in which my House of Commons tactics stood me in good stead, for I wanted above all things to avoid a dissolution. My ministers vote against me, so I govern through the Opposition, who are truly "Her Majesty's".'

Lord J. Russell's dispatch on tenure of offices.

It has been seen that Lord Durham's Report contained two main recommendations, the union of the Canadas and the granting of responsible government. The union of the Canadas was in the way of settlement; but what was to be the future of responsible government? Lord John Russell,

Responsible government.

who had given voice to the official objections to the system[1], was not immediately converted. The instructions to Poulett Thomson show a hankering after a half-way house, which, while enabling in some mysterious way colonial public opinion to find representation, was not inclined to allow the majority of the Legislature to obtain the control of the Executive. Poulett Thomson was even more convinced than was Lord John that responsible government, as understood by Durham, was impossible. Inasmuch as the Governor was responsible to the home Government, he could not shift his responsibility to other shoulders. Either the Governor was the Sovereign or the Minister. If he were the Sovereign, then indeed he might have a responsible Ministry; but he would then be no longer responsible to the home Government, and all colonial government would be impossible. But if he were the Minister of the Crown, he could not, at the same time, be under the control of a colonial Ministry. Hence it was clear that the members of the Governor's Council were a Council for him to consult, but were no more. In the same spirit, Poulett Thomson replied to a deputation from Halifax that, whilst it was the duty of the Governor-General to give respectful attention to other men's opinions and to seek the advice of those who appeared to represent the well-understood wishes of the people, he could 'devolve his responsibility for his acts upon no man without danger to the connexion of the colony with the Empire and injury to the best interests of those whose welfare *was* committed to his care'. That an acute man such as Poulett Thomson should not have realized the double character of a Governor, as an imperial officer where imperial questions are concerned, and as a quasi-sovereign where only local interests are at issue, is a standing proof how little, in political theorizing, men can rise above the political prejudices of their time and circumstances.

---

[1] On March 6, 1837, he had moved a resolution in the House of Commons, which declared it inadvisable to make the Canadian executive responsible, as demanded by the Assembly.

Activity of Governor-General.

But though Poulett Thomson's reasoning may not impress the latter-day reader, it is doubtful whether a governor of a more advanced mode of thinking would have been so suited for the special needs of the moment. As his own first minister, he was able to force the pace of legislation in a way which would have been altogether impossible to a governor after the later type. After obtaining assent to the union, he determined to exert his great popularity to settle once and for all the difficult question of the clergy reserves. Hitherto, though all parties were agreed that the question required settlement, it had proved impossible to obtain assent to any measure, each party, though unable to give effect to its own wishes, being strong enough to put a spoke in the wheel of any settlement proposed by its opponents. The extreme parties were represented by the Reformers, who desired the application of the reserves to the exclusive purposes of education, and the more determined Church of England party, which, under the redoubtable Dr. Strachan, fought for the exclusive rights of that Church. The Governor threw the weight of his influence in favour of a scheme under which the reserves would have been apportioned among the various religious denominations recognized by the law, in proportion to the respective numbers of their members.

Question of the clergy reserves.

A measure to this effect was carried through the Upper Canadian Legislature, but was afterwards declared to be *ultra vires* by the English judges. The imperial parliament therefore gave partial effect to the intentions of the Upper Canadian Legislature. It was characteristic of Poulett Thomson's sanguine nature that a compromise, which in fact by no means satisfied the majority of the people, was hailed by him as the greatest work that had ever been done in the country; of more advantage than all the laws or troops; worth ten unions, while it was ten times more difficult.

Poulett Thomson kept tight hold of the reins of government. By dint of working night and day, he was able to evolve peace and harmony out of materials which had seemed utterly hopeless. He had published far and wide that he intended to govern as he thought right, and not according to other men's fancies. He intended to take the moderate men from both sides and reject the extreme. By these means a middle reforming party might be evolved, which would put down both the extreme parties. But before the situation in Lower Canada even the sanguine nature of Poulett Thomson recoiled. No one seemed to care for measures. Race hatred appeared to have absorbed all else. The French hated the English and the English the French; and all questions ended in such hatred. There was no machinery of government; no heads of departments, or at least none of any use. The fatuous system hitherto adopted had been whenever an office fell vacant to fill it with two men—one French and one British. Thus there were joint surveyors, joint sheriffs, each opposing the other in all he attempted. The Governor asked if it was by such means that distinctions of race could be allayed. The world we live in is a different world from that of Poulett Thomson. Still, under changed conditions, some of his criticism might perhaps not be without its meaning to-day.

Difficulties in way of Governor.

Union Act.

The Act for the union of the two Canadas was passed by the Imperial Parliament in 1840,[1] and its coming into force was fixed for the next year. The measure, as originally drafted, contained clauses for the establishment of municipal institutions, but these were afterwards dropped, as being matters for the local authority to settle. The Governor-General, who had now been made Lord Sydenham, was deeply concerned. He was convinced that no colonial Legislature would ever of its own free will divest itself of the power it possessed of parcelling out sums of money for petty local jobs. Some sort of local government in which the people might control their own officers, and through which the Executive Government might obtain some influence in the country districts was indispensable. Without a breakwater of this kind between the central Government and the people, representative government would be impossible in Lower Canada and very difficult in Upper. Sydenham, following Lord Durham, urged that one capital cause of misgovernment in Canada had been this absence of local government, and the consequent exercise by the legislative body of powers which should have been outside its province. The establishment of municipal government by Act of Parliament he considered to be as integral a part of the scheme for the constitution of Canada as was the union of the two Legislatures; it was, indeed, the more important part of such scheme.

---

[1] The Duke of Wellington was strongly opposed to the Union as leading to separation. His policy would have been to unite Montreal to Upper Canada, and to govern Lower Canada 'for the present by a Governor and Council, as was the case till in 1791 that foolish Constitution was given.' *Peel Papers*, vol. ii, p. 441.

Local government.

Sydenham, however, was not of a nature to waste time in useless complaints, and, when he knew the decision of the home Government, at once carried through the Special Council of Lower Canada a measure of local government. At the same time he was able to obtain amendments in the law of real property, by the establishment of registries, compliance with the formalities of which protected bona fide purchasers from the numerous pitfalls to which they had been exposed under the French law of real property.

A Proclamation was issued making February 10, 1841, the day upon which the union should begin, and writs were immediately issued for the elections for the first united House of Assembly. Lord Sydenham appointed a Ministry which he intended to be a coalition between the two English parties; the French remaining for the present out in the cold. The Attorney-General for Upper Canada was Mr. William Draper, a very able lawyer and politician, whose views were distinctly conservative, and the majority of his colleagues were of the same party.

First Ministry under Union.

Mr. Robert Baldwin, who had played a leading part in the struggle for responsible government, and whose character, no less than his abilities, counted for much in giving strength to Government, had been induced to accept, before the union was put in force, the office of Solicitor-General for the upper province. His intention was to give a public pledge that he had a reasonably well-grounded confidence that the government would be carried on in accordance with the principles of responsible government. He had not come into office, he explained, by means of any coalition with the Attorney-General or others, but had done so under the Governor-General, and expressly from confidence in him. Baldwin was careful to explain to his Conservative colleagues his own peculiar position; but none the less the situation was charged with future difficulty.

The French Canadians and the Union.

The French Canadians for the most part were united in their opposition to the union, and the election was fought with great bitterness. They were, however, disorganized and despondent; and they had as their chief antagonist an old House of Commons hand, who was not above availing himself of every opportunity given by the law to crush his adversary. For instance, the boundaries of Quebec and Montreal were ruthlessly gerrymandered to assist the British population in those towns. In some cases the results of the elections were probably due to intimidation and violence. Still, the British population, at least, were with few exceptions in favour of the union. The result of the first election showed a danger to which government in Canada was for many years peculiarly exposed. Lord Grey, who was Colonial Secretary from 1846 to 1852, defined responsible government as party government, and unless you have two distinct parties, its working becomes extremely difficult; but from the first, in the Canadian Legislature several parties appeared on the political stage, so that the future of party government might well seem problematical. To Lord Sydenham, how-

Party government.

ever, who, as we have seen, did not accept the necessity of responsible government as it is now understood, the situation seemed wholly satisfactory. Out of eighty-four members, twenty-four could be reckoned as out-and-out supporters of the Government, while the votes of over twenty moderate reformers could be generally reckoned upon. On the side of the Opposition there was a solid phalanx of some twenty French Canadians, with whom five ultra-reformers would generally act. The 'family compact' party was represented by seven members, who, in spite of their dislike of the Government, would not often be able to work with the regular Opposition.

First Parliament.

The House met on June 14, and it was of good omen for future peace and concord that a French Canadian, Mr. Cuvillier, was unanimously elected Speaker in the new Assembly. He had been one of those who had refused to follow Papineau in a policy of extreme measures. In opening Parliament the Governor-General was able to announce the willingness of the home Government to assist in the completion of the public works, which had been begun, by guaranteeing a loan of one million five hundred thousand pounds. He was glad to note the rapid increase of trade and immigration which had taken place within the last eighteen months. Immigration by the St. Lawrence, which had fallen to not much more than three thousand persons in the dark year of 1838, went up rapidly in the following years, so that during 1841 it amounted to over twenty-eight thousand persons. (In 1842 the figures were as high as forty-four thousand three hundred). A test division, directly challenging the policy of union, gave the Government a majority of two to one, and Sydenham was able to boast that the critical period which followed the meeting of men who knew so little of each other as did the representatives of Upper and Lower Canada, had been surmounted with success. His 'officers (ministers!)', he condescendingly explained, though the best men that could be found for their parts, were both unpopular and inexperienced in parliamentary struggles. The Governor-General had therefore to fight the whole battle himself. It had been, he added, a considerable strain on both his adroitness and his temper.

Resignation of Baldwin.

The position of the Ministry had been much weakened by the resignation of Baldwin, which took place just before the opening of Parliament. He had insisted upon the reconstruction of the Government upon more liberal lines, and on the admission of some French Canadian members; and when the Governor-General refused his terms he resigned. Ministers were compelled on the floor of the House to admit the doctrine that if a government could not retain the confidence of the majority of the members they were bound to resign, unless a dissolution should be resolved upon; but Lord Sydenham had by no means accepted in practice such a doctrine. In theory, however, he was able to agree to the following statement of the doctrine, which was in fact dictated by him, as moved by one of the Ministry during the session:—

Resolutions regarding responsible government.

1. 'That the head of the Executive Government of the province, being within the limits of his government the representative of the Sovereign, is responsible to the imperial authority alone; but that nevertheless the management of our local affairs can only be conducted by him by and with the assistance, counsel, and information of subordinate officers in the province.

2. That in order to preserve between the different branches of the provincial parliament that harmony which is essential to the peace, welfare, and good government of the province, the chief advisers of the representative of the Sovereign, constituting a provincial administration under him, ought to be men possessed of the confidence of the representatives of the people, thus affording a guarantee that the well-understood wishes and interests of the people, which our gracious

Sovereign has declared shall be the rule of the provincial government, will on all occasions be faithfully represented and advocated.

3. That the people of this province have, moreover, a right to expect from such provincial administration the exertion of their best endeavours, and that the imperial authority, within the constitutional limits, shall be exercised in the manner most consistent with their well-understood wishes and interests.'

Local government.

The main measures of the first session of the Canadian Legislature were the establishment of a system of municipal government in Upper Canada and the provision of a system of common schools throughout the province. The Local Government Act of 1841 was of a less democratic character than was the subsequent law. It was thought impossible to set on foot a more popular system than that which had been started in the lower province. Accordingly, while municipal councils were established in all districts, consisting of a warden and councillors, the wardens were not to be elected, but to be appointed by the Crown.

The Government measures narrowly escaped defeat, but were rescued by the support of some of the reformers, amongst whom was Mr. Francis Hincks, who subsequently played a leading part in the development of the province.

Education.

Under the Education Act of 1841 an annual sum of two hundred thousand dollars was provided for the establishment of elementary schools; three-fifths of this sum being at first apportioned to the lower section of the province and two-fifths to the upper. A chief superintendent of education was appointed, with assistants in the two portions of the province.

Board of Works.

A Board of Works was established for the united province, thus removing, so far as was possible, from the hands of private members the power of jobbing with the public funds. The Customs laws were also revised, with a view both to the encouragement of commerce and the increase of revenue.

Sydenham recognized to the full that Canada was in the

Public works recommended.

stage at which its material development required active encouragement. He put forward a list of public works to which the proceeds of the loan guaranteed by the British Government might be most usefully devoted. These included the completion of the Welland Canal; the opening of communication between Kingston and Montreal by the river St. Lawrence, and the improvement of Lake St. Peter and the navigation between Quebec and Montreal. The list also included the opening of the river Richelieu in connexion with the Chambly Canal; the construction of slides for timber and other necessary works at Ottawa; the building of a port and lighthouses on Lake Erie, and the establishment or improvement of lines of roads between Quebec and Amherstburg and Port Sarnia on the river St. Clair; between Toronto and Lake Huron, and between Quebec and the eastern townships.

Sydenham's exultation.

Even Sydenham's influence was unable to establish a national bank with the monopoly of issuing notes; the interests of the private banks being too powerful to allow of the innovation. Still, his success had, on the whole, been marvellous, and there was good ground for the exultation with which he wrote to Lord John Russell: 'Whoever will compare the state of things two years ago... with that which exists at present will not venture to affirm that any Secretary of State before ever produced half so great a change. One province *then* without a constitution, under arbitrary power, with scarcely any good laws, with its whole framework, both of society and administration, completely disjointed; the other in a state of the greatest excitement and discontent; both without anything approaching to a government or departmental responsibility. *Now* the constitution restored to one, and greatly improved in both, many most excellent institutions established by law in one and marked improvements in the other; the great and harassing questions of Church revenue and responsible government settled . . . the Legislature assembled, acting in harmony with the Executive, and really employed in beneficial and practical measures of legislation; public tranquillity restored and trade and immigration nearly doubled.' Although he had started, he wrote to his brother, under extreme difficulties, with passions at boiling heat and prejudices prevailing beyond imagination, he had by degrees brought the Assembly into perfect order, ready to follow wherever he might lead. He had carried all his measures; had beaten off all disputed topics, and had got a Ministry with an avowed and recognized majority, capable of doing what they thought right and not to be upset by his successor.

Death of Sydenham.

Sydenham might well be thinking of a successor, for the sands in his hour-glass were running very low. Throughout his efforts there was an element of feverish haste, as of one whose night was near and who had still work to be done. He described himself as breathing, eating, drinking, and sleeping on politics, and that day was a lost one which did not mark a visible advance. But it was like the hero in Balzac's story, whose every exercise of the power of life was at the cost of life itself. Through all these labours, Sydenham was a martyr to gout. In May, 1841, he doubted whether he should live to cross the Atlantic; and at the close of the session he felt that his work was accomplished, and that he might leave the rest to those who should come after. His formal resignation was dated July 25; but before he could enjoy a holiday, an injury to his leg, caused by a fall from his horse, acting on a weakened constitution, brought on complications which resulted in death. He died on September 19, a few days before he should have started for home. So far as Canada was concerned his life-work was done; but his presence in the House of Lords would have added much needed knowledge and wisdom to the discussion of colonial questions, and his loss, following on that of Lord Durham, was a severe blow to the interests of the British Empire.

Succeeded by Sir Charles Bagot.

Sydenham had urged that his successor should be some one of House of Commons and ministerial habits, one who would not shrink from work, and who would be a governor, like himself, in deed, and not only in name. He should not be a soldier, but a statesman; such a man would find the road smooth to his labours. The Conservative Government of Sir Robert Peel chose as the new Governor-General Sir Charles Bagot, a diplomat of character and ability, whose period of office was abruptly closed by death. In Bagot's time the question how far the Governor was prepared to accept the dictation of the majority of the Assembly in the formation of his Ministry, which had been kept in the background by the powerful personality of Sydenham, came to the front. We have seen that in Sydenham's own opinion his Ministry was far from strong, and when the guiding hand was removed, which had directed them at its pleasure, they were completely demoralized; and Sir Charles Bagot tried to strengthen the Government by making Mr. Francis Hincks, whose business capacities were already recognized, Inspector-General of the Public Accounts.

Advent to power of French Canadians.

Meanwhile the French Canadian members in the Assembly were under a leader who was well calculated to advance their fortunes. M. Louis La Fontaine had opposed the union to the utmost of his strength; but when it was an accomplished fact he saw no use in sulky isolation. A past follower of Papineau, he was also a devout son of the Catholic Church; and although he had the reputation of being a Radical, he already showed signs of the cautious opportunism, which made him soon in fact a Conservative in all but name. A coalition, between the French Canadians and the Upper Canadian reformers under Baldwin, led to a reconstruction of the Ministry, in which La Fontaine and Baldwin became Attorney-Generals for Lower and Upper Canada. By these changes the Governor-General admitted the principle that he could not go behind the clearly expressed will of the majority. The Governor might or might not approve of a French

Canadian First Minister; but, if such was the will of the majority, he was obliged to bow the knee. The admission of the French Canadians to the Ministry marked the recognition in its full force of the system of responsible government, of which the practical execution had hitherto been incomplete. The Council henceforth were known by themselves and by people in general as the Ministry, the Administration, the Cabinet, or the Government. Their pretensions were in accordance with the new nomenclature. They regarded themselves as a responsible Ministry, and expected that the policy and conduct of the Governor should be subservient to their views and party purposes.

Action of home Government.

After some explanations, Lord Stanley, the Secretary of State, gave his approval to the action of Sir Charles Bagot in accepting a Ministry partly composed of French Canadians, and the report may be dismissed as a fable that Bagot's last days were further embittered by complaints from home.[1] In any case Sir Charles Bagot was compelled to resign owing to bad health; though happily not before his frank acceptance of the will of the majority had succeeded in reconciling and attaching to British government many whose affections had been hitherto alienated. He died in the following May, after the arrival of his successor.

Administration of Metcalfe.

Sir Charles Metcalfe, who arrived as Governor-General in 1843, was a very able and experienced Indian administrator, who had governed Jamaica with great success. It is clear that no importance need be attached to the charge that Metcalfe was deliberately appointed with a view to the reversal of the policy of his predecessor.[2] The difficulties of his position were in any case great enough. It must be remembered that, even with responsible ministers, it would still be the province of the Governor to take an active part in the deliberations of his Ministry; but the illness of Bagot had given the Canadian Ministry an immunity from direction or advice, which they had come to consider the normal state of affairs under constitutional government. Metcalfe's own predilections, as was natural in an Indian administrator, were against party government. His own ideal would have been to conciliate and bring together the good men of all parties; but he recognized that the party system prevailed, and he was determined to work loyally the system he found prevailing. It must be remembered that Metcalfe was not actuated by Tory prejudice, as in his politics he was, for his time, an advanced Liberal. None the less was he puzzled by the situation of affairs. The anti-British rancour of the French caused him to suspect treason, while he called the reformers very unfairly republicans, charging them with selfish indifference towards Great Britain. Even the British party, with which alone he felt in sympathy, made his path more difficult by refusing to make allowances for what was inevitable under responsible government.

---

[1] Mr. A. G. Doughty, C.M.G., the Canadian Government archivist, has with great kindness examined the Bagot papers upon this point, and has thus settled a question upon which there has been doubt. Dent, in his *Last Forty Years*, vol. i, p. 256, accepts the truth of the rumours concerning Lord Stanley and Bagot; but that Bagot's action at first excited great indignation in the minds of the home Ministry cannot be denied. See *Peel Papers*, vol. iii, pp. 379–86.

[2] See above note.

Difficulties in his way.

But though the principle of responsible government was recognized, its exact limits were not yet defined. Metcalfe was not at all prepared to be a tool in the hands of his Council, or to forgo entirely the exercise of his own judgement in the administration of the government. He was provoked to find those who claimed amnesty for brigands and rebels inveterate in their hostility to those who had remained loyal. 'The amnesty,' he bitterly remarked, 'ought at least to be reciprocal.' To him the question appeared to be whether or not the Governor should have a voice in his own Council: 'Whether he shall be at liberty to treat all Her Majesty's subjects with equal justice or be a reluctant and passive tool in the hands of one party for the purpose of proscribing their opponents—those opponents being the portion of the community most attached to British connexion, and the

Governor required to proscribe them being a British Governor.' The tendency of the whole movement appeared to him to be to throw off the government of the mother-country altogether in internal affairs, while the colonists were maintained and supported at her expense, thus retaining all the advantages of connexion, so long as it might suit the majority of the Canadian people to endure it. This was a very intelligible and convenient policy for a Canadian aiming at independence, but the part which the representative of the mother-country was required to perform in it was by no means fascinating.

Dispute with Ministers.

With a Governor-General in this mood, and with a Ministry determined to make full use of their newly-won powers, friction was inevitable. It seems clear that the behaviour of his Ministers towards Metcalfe was often discourteous and peremptory, the conduct of antagonists rather than of colleagues, and that he was often kept in ignorance of their ministerial proceedings. In this state of things a crisis was inevitable, and it came in November, 1843. Metcalfe had appointed on his staff a French Canadian who was distasteful to La Fontaine. The latter and Baldwin waited on the Governor, and in effect demanded, in Metcalfe's words, 'that the patronage of the Crown should be surrendered to the Council for the purchase of parliamentary support.' Metcalfe replied that he could not degrade the character of his office, nor violate his duty, by such a surrender of the prerogative of the Crown. There was no room for compromise, and the Ministry resigned. As responsible government came afterwards to be understood, Metcalfe may have been in the wrong; but it is significant that in the whirligig of time a movement is gaining strength in Canada to remove patronage from the hands of the politicians, and to realize Metcalfe's ideals, only by means of a strong independent Commission, and not through the Governor-General.[1]

---

[1] Such a system is already in force in the Commonwealth of Australia.

Government impasse.

The task awaiting Metcalfe was now one of great difficulty. He had to carry on parliamentary government, having been deprived of a Ministry, and there being no material in the Opposition from which a rival Ministry could be composed. One member of the Ministry did not resign with his colleagues. Mr. Dominick Daly was a genial Irishman, who belonged to the old system of bureaucratic government, and naturally considered that his services were due to the Governor-General, and not to any particular party. Like the Duke of Wellington on a memorable occasion in Great Britain, he appeared single-handed as the Government. But his resemblance to the Duke ceased there, as he sought on an inglorious sick-bed a refuge from the responsibilities of his position. For nine months the chief offices of government remained vacant, and there seemed no outlet to the *impasse.* Mr. Daly was reinforced by Mr. D. B. Viger, a French Canadian, who had been implicated in the rebellion, but whose views had completely changed, and by Mr. Draper, the Conservative leader; but beyond this the Governor-General was not able to go. The interregnum was not without inconvenience to the public service, and it seemed as though Metcalfe must yield or resign. The attempt to insert a wedge in the solid French phalanx by the appointment of Mr. Viger proved a complete failure, the party remaining loyal to La Fontaine. At last, in September, 1844, a Ministry was got together and Parliament was immediately dissolved. The result of the elections was, on the whole, favourable to the new Ministry.

Success of Metcalfe.

The majority was certainly small, but it sufficed to carry on the work of government. Their position, however, was far from strong, and they sometimes only arrested defeat by purloining the clothes of their adversaries. Thus, obtaining knowledge beforehand of a plan of the reform party to propose an alteration of the clause in the Union Act which provided that the proceedings in Parliament should be printed exclusively in the English language, they themselves brought forward a similar resolution; though it did not take effect, by receiving the sanction of the home Government, till some years later. No one of the Ministry possessed any special popularity, and the success at the elections, such as it was, had been mainly due to respect for the Governor-General. 'It is remarkable,' Metcalfe admitted, 'that none of the Executive Council, although all estimable and respectable, exercise any great influence over the party which supports the Government.'

Weakness of Ministry.

Moreover the Ministry was far from being a united body. Differences regarding a bill for creating a University of Upper Canada led to its withdrawal. Under this bill the Church of England King's College, Toronto, the Presbyterian Queen's College, Kingston, and the Methodist Victoria College, Cobourg, would have been affiliated to the new University. It was clear that loyalty to Metcalfe was the one bond which kept the party together. On this ground, and because he thought that the compact union of the French might eventually be dissolved, if only it could be proved that a mere opposition to men, not measures, could not prevail, Metcalfe refrained from resigning, though he was fighting a deadly disease, which was eating into his life. He had received a peerage from the home Government as a proof of their warm approval of his administration; but, in the event of the triumph of the La Fontaine-Baldwin party, he was determined to resign, as he was unable to give his confidence to the leaders of that coalition. But, as we have seen, there was a worse enemy at work than hostile politicians. There is something very tragic in the manner in which Durham, Sydenham, Bagot, and Metcalfe were each in turn, after having laboured for Canada, struck down. The manner in which, with death steadily approaching, Metcalfe stuck to his post was worthy of some Spartan hero. In June, 1845, Lord Stanley wrote that he must leave the question of his resignation entirely in his hands, only instructing him not to allow public

Metcalfe's motives for not resigning.

considerations unduly to overweigh the consideration which he owed to himself. In November Metcalfe received an official acceptance of his resignation, whenever he should care to use it. Lord Metcalfe left the decision to his Council, who all, though they were deeply grieved at the necessity, besought him to depart. It may be that in his views of colonial government he did not altogether apprehend the trend of events. Oriental precedents may have too much influenced him, as when he compared himself to an Indian Governor called upon to rule through the agency of a Mahomedan Ministry and a Mahomedan Parliament. Nevertheless, no one in his own way fought a more gallant fight for imperial interests, and he was rewarded by the devoted attachment of those to whom the imperial connexion was dear. Apart from political opinions, there were many who could speak of his patient consideration, his inexhaustible kindness, and his boundless generosity. A rich man and a bachelor, he held himself only the steward of all he possessed. Nor was he censorious in his judgements of others; when Colonel Fitz-Gibbon, who had done good service which had been already rewarded, being of a spendthrift nature, again approached the Government and was refused, Metcalfe, of his own initiative, gave him twice the sum which he had ventured to ask. 'They who approached him the most nearly,' his biographer writes, 'who lived in the most familiar intercourse with him, and were admitted the most intimately within the influence of the habitual tenderness of his nature and playfulness of his spirit, were those not only to lavish upon him the truest love, but to regard him with the greatest admiration.' Whatever were his political mistakes, the presence of such an Englishman in their midst must have drawn the Canadians closer to the country which had produced him.

At last resigned.

His character.

AUTHORITIES

The Act of Union is printed in Houston, *op. cit.*

Parliamentary Papers; the more important are printed in Egerton and Grant, *op. cit.*

The Last Forty Years. Canada since the Union of 1841. 2 vols. Toronto, N.D. The first volume deals at considerable length with the events of this period.

Life of Lord Sydenham. By G. Poulett Scrope. 1844.

Lord Sydenham. By A. Shortt, in 'Makers of Canada' Series. Toronto, 1908.

Life and Correspondence of Lord Metcalfe. By Sir J. W. Kaye. 2 vols. 1854.

View of Sir Charles Metcalfe's Government of Canada. By E. Gibbon Wakefield? 1844.

Baldwin, Hincks, La Fontaine. By S. B. Leacock, in 'Makers of Canada' Series. Toronto, 1907.

Le Canada Sous l'Union. Par Louis P. Turcotte. Quebec, 1871.

Life of Sir John Beverley Robinson. By Major-General C. W. Robinson. 1904.

CHAPTER II

RESPONSIBLE GOVERNMENT IN THE MARITIME PROVINCES

The movement for responsible government in Nova Scotia.

In the last Book we have noted the beginning of the demand for responsible government in the Maritime Provinces. We have seen that by 1840 it seemed as though the battle was won, Lord John Russell recognizing that a general system should be adopted under which the leaders among the majority of the Assembly should be included in the Executive Government. There were special reasons why Nova Scotia should take the lead in this matter. Mr. Joseph Howe had put the case for responsible government in four letters to Lord John Russell, which are to this day the most luminous and powerful statement of the defects of the old system of government which has ever been written. Moreover, the Maritime Provinces had remained staunch in their loyalty, and, when the rebellion in Canada was imminent, Howe had taken good care publicly to dissociate himself from such allies. The resignation of Sir Colin Campbell secured the introduction of a new system. His successor, Lord Falkland, was a Whig, and might be expected to support the new policy. Unfortunately Lord Falkland, without the strength of Sydenham, shared his belief that it was the duty of the Governor, himself raised above party, to govern through a composite Ministry which should reflect the best in all parties. Howe, indeed, although he had moved a resolution in the Assembly demanding the recall of Sir Colin Campbell, was accepted as a member of the Executive Council; but his colleagues for the most part were men of directly contrary opinions. The unedifying spectacle was seen of a Ministry mainly occupied in fighting fiercely with each other.

Divisions in Ministry.

On the questions of undenominational education and sectarian colleges, Howe and his colleagues were at hopeless issue; and political life resolved itself into a contest between two parties represented in the same Ministry. Howe proposed, with reason, that the general election of 1842 should decide which party was to govern; but that election having ended in a nearly drawn game, the Ministry met the new Parliament without the resignation of either section of its members. It had been a condition of Howe's entering the Government that, when vacancies occurred, they should be filled from the Liberal ranks; the appointment, therefore, of a strong Tory to the Executive Council gave Howe and his two Liberal colleagues a reason for resigning. The Government as then constituted possessed a majority of one in the Assembly, so that responsible government, after a fashion, might he held to be already at work.

Falkland and Howe.

Howe threw himself with vigour into a fierce political campaign to upset the Government. Unfortunately, the matter was complicated by a personal quarrel between him and the Governor. Howe's downright and brusque manners had shocked and scandalized the courtly Lord Falkland, who sought to indulge his personal prejudices by accepting Liberal ministers on condition that Howe was excluded. Considering Howe's great personal popularity, and the influence which by his personality no less than by his eloquence he exercised over his countrymen, no course could have been more foolish. Howe, amongst whose shining merits absence of egotism could not be counted, did not scruple to take up the gage; and henceforth poured on the unhappy Governor a torrent of invective and ridicule, from which, in 1846, he took refuge by resignation. His successor, Sir John Harvey, who already in New Brunswick had shown his appreciation of the new order of things, at once expressed his readiness to admit the Liberal leaders to the Executive Council. Howe, however, preferred to wait till the elections of 1847 had decided what was to be the character of the new Assembly. They resulted in a Liberal victory; and accordingly the Liberals took office in a homogeneous Ministry. Even the Provincial Secretary, who had appeared to be a permanent official, was at last superseded, and Howe, who had avoided the position of First Minister, reigned in his stead.

Responsible government.

The full triumph of responsible government thus dates from 1848, the very same time when Lord Elgin was for the first time giving it full expression in Canada. Sir John Harvey wrote that responsible government had been introduced into Nova Scotia upon fair and just principles, and without the necessity of having recourse to any measure of a stringent character, except in the case of the Provincial Secretary. A great step had been taken toward the political tranquillization of this long-distracted country, inasmuch as there was little fear of factious opposition to any measure of acknowledged utility from the party which had been turned out of office; their leader, Mr. J. W. Johnston, being both a man and statesman of sterling worth.

Political situation in New Brunswick.

Meanwhile, in New Brunswick, where, on the receipt of Lord John Russell's dispatch, the Governor, Sir John Harvey, had shown himself ready and willing to move with the times, public opinion lagged behind. In the general election of 1842 the opponents of responsible government obtained a majority; but men, who were in the abstract in strong sympathy with Lord Metcalfe, were of a very different opinion when their own interests were in question. Sir William Colebrooke had succeeded Harvey in 1841, and, on the death of the Provincial Secretary, at the end of 1844, he proceeded to appoint his own son-in-law to the post. Members of the Government, who had before opposed responsible government, now resigned on the ground that 'the elevation to the highest offices of trust and emolument of individuals whose character, services, and claims to preferment, however appreciated elsewhere, were entirely unknown to the country generally', was prejudicial to the best interests of the province. Mr. Lemuel Wilmot, who had accepted office although strongly in favour of responsible government, informed the Governor of the necessity under which he stood of opposing the appointment. He held that the Provincial Secretary should be brought into the Executive Government and should hold a seat in one of the Houses of the Legislature—his tenure of office being contingent upon the successful administration of the Government. The appointment was cancelled by the home Government, as the House of Assembly had not only abstained from complicating the subject with any abstract question of government, but had rejected every proposal for laying down formal principles upon such questions.

Lord Grey's dispatch.

It is an unexpected fact, but none the less true, that in a British colony the pressure of the British Government was needed before the people themselves would accept responsible government. In 1847 Lord Grey expressed his views on the subject in a dispatch, which was addressed to the Lieutenant-Governors of both Nova Scotia and New Brunswick. He wrote: 'The most serious defect in the Government is the utter absence of power in the Executive, and its total want of energy to attempt to occupy the attention of the country upon real improvements, or to lead the Legislature in the preparation and adoption of measures for the benefit of the colony. It does not appear to have occurred to any one that it is one of the first duties of the Government to suggest improvements when they are wanted; that the Constitution having placed the power of legislation in the hands of an Assembly and a Council, it is only by acting through these bodies that the duties can be performed; and that, if these proper and legitimate functions of the Government are neglected, the necessary result must be not only that the improvements which the people have a right to expect will be neglected, and the prosperity of the country checked, but that each branch of the Legislature will misuse its power, and the popular mind be easily led into excitement upon mere abstract theories of government to which their attention is directed as the remedy for the uneasiness they feel.'

Responsible government adopted.

The majority of the Assembly yielded to the reasoning of the Secretary of State; and from this time New Brunswick entered upon the road of responsible government.

AUTHORITIES

Same as for last chapter of Book I.

CHAPTER III

LORD ELGIN'S ADMINISTRATION

On Metcalfe's departure from Canada, Lord Cathcart, who was in command of the forces, became Acting-Governor, and, owing to fear of war with the United States regarding the Oregon boundary question, dealt with in a subsequent chapter, received the appointment of Governor-General. It was not thought possible to continue the taboo of individuals, established by Metcalfe, and Lord Cathcart gave Mr. Draper full authority to fill up vacancies on the Executive Council from any quarter he might deem advisable. Cathcart's period of office was very short; because, when the war-scare subsided, the Secretary of State, Lord Grey, considered that the affairs of Canada would be better administered by an experienced civil servant than by a soldier. Lord Elgin had been already proposed by Queen Victoria to Lord Stanley[1] as Governor-General, and he was now selected for the post, although at the time of opposite politics to the Whig Ministry. He had governed Jamaica with success, and, as Lord Durham's son-in-law, was admirably fitted to put the coping-stone upon the policy the foundations of which had been laid by Durham's report. The new Governor-General arrived in Canada in January, 1847, and, from the first, made clear his own position. He was in friendly relations with the Conservative Ministry, which he found in existence; but he made it apparent to all that he intended to do nothing which would prevent him from

Elgin's political attitude.

---

[1] *Letters of Queen Victoria*, vol. ii, p. 55.

working cordially with their opponents. The duty of the Governor-General was to show confidence in the loyalty of all those with whom he had to deal, and not to allow personal antipathies to prevent him from acting with those whom the majority of the Legislature preferred. His own private conclusion was that the problem of governing Canada could only be solved by the French Canadians in the Assembly dividing themselves into a Liberal and Conservative party, each of which should coalesce with the corresponding party from Upper Canada. The great difficulty hitherto had been that a Conservative Government meant a Government of Upper Canadians, which was intolerable to the French, and a Radical Government one of French, which was no less hateful to the British; though, in thus writing, Elgin was hardly fair to Baldwin and the Upper Canadian reformers. Like Lord Durham before him, Elgin found that these party names were most misleading, the Radicals comprising some of those most opposed to progress of any in the country. The example of Lord Durham was indeed always before him. 'The real and effectual vindication,' he wrote in a private letter, 'of Lord Durham's memory and proceedings will be the success of a Governor-General of Canada who works out his views of government fairly.' The position of a colonial governor, as now understood, was at the time open to great question, and Elgin recognized that, until the middle term was discovered and agreed upon, which should reconcile the faithful discharge of responsibility to the Imperial Government and the province with the maintenance of the quasi-monarchical relation of the Governor to the provincial community, his path must be slippery and narrow; and no little dexterity, besides incessant watchfulness, would be necessary to prevent him from falling on the one side into the *néant* of mock sovereignty, or, on the other, into the dirt and confusion of local factions.

It cannot, assuredly, be denied that the time of Lord

Difficulties of his position.

Elgin's government was a period of stress and turmoil, well calculated to put to the test the value of his theories. Various causes were at work to make the position of the imperial representative exceptionally difficult. During 1847 a severe strain was placed upon the resources of the province by the arrival of more than a hundred thousand Irish, flying from famine. Many of the immigrants were suffering from fever; nearly all were destitute, and their sudden inrush was a frightful scourge to the province, making Elgin's position very delicate and irksome. A climax was reached when it was found that one batch of arrivals came from Lord Palmerston's own Irish estate. There was a general view that Great Britain must make good to the province the expenses entailed on it by the visitation—an expectation which was afterwards fulfilled. At the same time Lord Elgin recognized that, all things considered, much forbearance and good feeling had been shown by the colonists under the trial, and out of evil came good, as from the experience of this terrible time the necessary lesson was learnt as to improving the regulations with regard to the passage of emigrants.

Irish immigration.

Ministry of La Fontaine and Baldwin.

At the close of 1847 the Canadian Parliament was dissolved; and, as was to be expected, the Government, which, without the direction of Metcalfe, had been for some time tottering to its fall, received a final *quietus* at the hands of the electors. The Governor took an absolutely impartial and unattached line throughout the contest, and, when the results were announced, at once sent for La Fontaine and Baldwin, proffering them his cordial support. Although, as we have seen, the Canadian Legislature had expressed the wish that English should no longer be the sole official language, nothing had been done in the matter, and Elgin wrote home, urging Lord Grey at once to give effect to the wishes of the Canadian Parliament. To behave otherwise would be to play into the hands of demagogues, and give a handle to enemies of the British connexion. In urging his views, Elgin repudiated so much of his father-in-law's teaching as proposed a gradual crusade against the French nationality. 'I for one,' he wrote, 'am deeply convinced of the impolicy of all such attempts to denationalize the French. Generally speaking, they produce the opposite effect, causing the flame of national prejudice and animosity to burn more fiercely. But suppose them to be successful, what would be the result? You may perhaps *Americanize*, but, depend upon it, by methods of this description you will never *Anglicize* the French inhabitants of the province. Let them feel, on the other hand, that their religion, their habits, their prepossessions, their prejudices, if you will, are more considered and respected here than in other portions of this vast continent, who will venture to say that the last hand which waves the British flag on American ground may not be that of a French Canadian?' The British Government assented to the Governor's reasoning.

French Canadian loyalty.

Land settlement.

Nor did Elgin content himself with words. When it was attempted to divert the stream of French Canadian immigration which was flowing into the manufacturing towns of New England, by the establishment of an association which should promote the settlement of the population on unoccupied Crown lands, he threw himself actively into the movement, and was thus able to prevent Papineau, who had returned to Canada in 1847, from making it a means of agitation against the Government. Vacant Crown lands were thrown open to settlement, and new roads were made. The new settlements were in those portions of the eastern townships which were as yet unoccupied and along the Saguenay and St. Maurice rivers. By these means a movement was begun, the final outcome of which was to change the hitherto English character of the eastern townships. The Catholic Church has always opposed the emigration of its people to lands where they often escape its influence; the action of the Governor-General received therefore the cordial support of the Church. But however conciliatory Elgin's own disposition, he was soon to learn that he must indeed tread warily who has to cross the still burning cinders of racial animosities. . . . .

Effects of British fiscal policy.

Moreover economic causes were actively at work, rendering more difficult a situation which was in any case difficult enough. Under the policy of colonial preference, which had held the field in Great Britain since the reforms effected by Huskisson, the Canadian Corn Act had been passed in 1843, which gave not only Canadian wheat, but flour also, a substantial preference in the British market. In this state of things American wheat was imported into Canada, so as to obtain the preference, when exported as flour, and a large amount of capital was therefore invested in flour-mills and machinery in Canada to meet this demand. But almost before the new arrangements were finished and the mills at work, the British Government suddenly reversed its policy, and the Act of 1846 swept away colonial preference, along with the other bulwarks of protection, bringing upon Canada, in Lord Grey's own words, who was *pars magna* in the new policy, 'a frightful amount of loss to individuals and a great derangement of the colonial finances.'

Property in fact became unsaleable, and not a shilling could be raised on the credit of the province. The Government was under the disagreeable necessity of paying all public officers, from the Governor-General downwards, in debentures, which were not exchangeable at par. What made the situation more serious was that, while Canada was thus suffering, the United States were enjoying great prosperity. Elgin, who refused to be dragged into the fiscal controversy, pointed out that the one thing the plain man would understand was that Great Britain was kinder to the children who deserted her than to those who remained faithful. . . . .

It was the inconsistency of the imperial policy, rather than the policy itself, which was the bane of colonial prosperity. It was a matter for serious thought that the commercial classes of Canada were at the time, almost to a man, convinced that annexation to the United States would be in their private interests, financially. In the circumstances of the time the peaceful condition of the province was a matter of wonder to the Governor-General.

Moreover, having adopted Free Trade, the home Government did not at once give the colonies the benefits which such adoption involved; and it was not till 1849 that the Navigation Acts were repealed, and the trade of the St. Lawrence thrown open to the ships of the world. Elgin urged the repeal of the Navigation Acts and the negotiation of a reciprocity treaty with the United States, as the only available remedies for the present situation. The outlook was indeed dismal. The mercantile and commercial classes were thoroughly disgusted and becoming lukewarm in their allegiance, three-fourths of the business men being bankrupt through the consequences of the change in the law. Within the three years 1845 to 1848 property fell fifty per cent. in value, and, in spite of an import duty of twenty per cent., Canadian exports were obliged to find a market in the United States, or none at all. 'How long,' Elgin wrote, 'can such a state of things be expected to endure?'

Rebellion Losses Bill.

It was when the natural upholders of the British connexion were in this condition and temper that the measure was brought forward 'to provide for the indemnification of parties in Lower Canada whose property was destroyed during the rebellion of 1837 and 1838'. Few questions have excited fiercer controversy than the Rebellion Losses Bill of 1849, and even now it is difficult to penetrate through the smoke of contending factions. It may fairly be contended that the measure was but the elaboration of a bill brought forward by the Conservatives in 1845, and that it followed on the lines of an Act already passed for Upper Canada. But it was pointed out that the instructions to the Commissioners in 1845 limited their inquiries to losses sustained by *loyal* subjects, and that positive declarations had been made by members of the Government that none should participate in the proposed indemnity who had borne arms against the Crown. Granted that under the Rebellion Losses Bill no person who had been convicted or pleaded guilty of treason during the rebellion might be entitled to any indemnity for losses sustained in connexion with it, still the fact remained that not one-tenth of those implicated in the rebellion had been arrested; and of those arrested only a small number had been brought to trial; so that, whether right or wrong, the measure might not unfairly be described as one for the indemnification of rebels. It seems probable, however, that in 1845, when the prospect of a coalition with the French Canadians was still in the air, the Conservative Ministry may have held out hopes which were promptly disavowed when such coalition was out of the question. In any case the question was one requiring settlement, and, although it was clear what form such settlement would take when made by a Ministry of which La Fontaine was a leading member, Lord Elgin considered that its disposal must be left to his responsible advisers.

Elgin's attitude.

After the introduction of the bill, petitions were at once brought to the Governor, urging that Parliament should be dissolved, or the bill be reserved for the sanction of the Crown. Elgin considered a dissolution impossible, for the simple reason that there was no evidence of any change of opinion in the people since the recent election. Neither was he inclined to reserve the bill. In the first place he considered that it was on all fours with the Act regarding Upper Canada, which had received the royal assent; though it could, of course, be argued that the prevalence of disaffection in the Lower Province made the situations wholly different. Apart from this, he chivalrously refused to shift his own responsibility on to the shoulders of the home Government. At the worst he could be made a scapegoat, whereas, if the Crown was implicated in the matter, the feeling might find vent against the British connexion. The bill passed the Assembly by a majority of twenty-nine, a majority even of the Upper Canadian representatives voting in its favour. On the principle that if it was to be done it were well done quickly, Lord Elgin took occasion of having to agree to a Customs bill, which it was necessary to bring into immediate operation, to give his assent also to the Rebellion Losses Act. The scenes which followed covered those concerned in them with disgrace. On leaving the Parliament House, the Governor-General was received with ironical cheers and hootings, and the carriage was pelted by young men belonging to the respectable classes. The Parliament building was set on fire by the mob, valuable books and manuscripts being thus destroyed, and La Fontaine's private house was attacked. A few days later the Governor-General narrowly escaped personal violence. Neither the Government nor the Opposition were prepared for such scenes of violence, and the forces of law and order in Montreal at the time consisted of two policemen under the authority of the Government and seventy appointed by the Corporation. They were naturally powerless, and there were serious objections both to the calling out of the military and to the employment of special constables. Elgin, throughout a most trying time, behaved with great forbearance. He carefully avoided giving occasion for riot by confining himself within his own grounds; though his only reward was to be dubbed a coward. He was prepared, he said, to bear any amount of obloquy; but, so far as he could prevent it, no stain of blood should rest upon his name.

Riots at Montreal.

Such violence led to inevitable reaction. After La Fontaine's house had again been attacked, one of the assailants being shot from within, a Proclamation by the Mayor, ordering the citizens to rally to the side of law and order, received a ready response, and a coroner's jury acquitted La Fontaine of all blame in the matter of the man shot. The most abiding consequence of the riots was the decision arrived at to remove the seat of government from Montreal. It was determined that henceforth the Legislature should meet at Toronto and Quebec alternately, Toronto being the first to be visited. This arrangement proved unsatisfactory; and in 1857 an address was passed by the Legislature asking the Crown to select a permanent capital. Ottawa, which had been before Bytown, was the place chosen by the Queen, as being on the frontiers of the two divisions, and though the decision gave rise to considerable dissatisfaction, it was finally acquiesced in by the Canadian Parliament.

Seat of government removed from Montreal.

Another consequence of 'commercial distress acting on religious bigotry and national hatred' was the Annexation Manifesto of 1849. This document, which received the signatures of several hundreds of the leading citizens of Montreal, advocated a peaceable and friendly separation from connexion with Great Britain, as a prelude to union with the United States. That the manifesto represented the real feelings of the majority who signed is more than doubtful. It was, in the language of Sir John Abbott, who was himself one of the signers, an outburst of petulance. With the exception of a few Americans, he declared, there was not a man who signed the manifesto who had any more serious idea of seeking annexation with the United States than a petulant child who strikes his nurse has of deliberately murdering her.

Annexation Manifesto.

But whatever might afterwards be thought of the Annexation Manifesto, at the time it seemed serious enough, and demanded the prompt attention of Lord Elgin. A circular was addressed to all persons who had signed it, asking if their names had been attached with their consent, and all who admitted the genuineness of their signatures, or refused to disavow them, were forthwith removed from office. Still

Elgin recognized that, whatever form the disaffection took, the real grounds of it were economic.

Political discontent there might be, both classes and individuals being dissatisfied with the state of things prevailing, but considering the heavy price the colonists were paying for their fidelity to the British connexion, the wonder was that the cry for annexation had not taken deeper root. Elgin's conviction was that questions of self-interest of a very gross and palpable description were suggesting treasonable courses to the Canadians, and that it was a political sentiment—a feeling of gratitude for what had been done and suffered that year in the cause of Canadian self-government—which was neutralizing these suggestions.

Commissioners under Rebellion Losses Bill.

After all the pother which had been produced by the Rebellion Losses Bill, it is curious to note that the Commissioners who were appointed under the Act were the same who had acted for the Conservative Government, and that in fact compensation was refused to many claimants on the ground of their having been implicated in the rebellion, although never convicted by any court. The Rebellion Losses Act takes an unfair place in the records of the La Fontaine-Baldwin Ministry; there were other measures passed of a more practical and less controversial character. The handing over the control of the post office to the local Government by the imperial authorities, enabled the postage of letters and newspapers to be greatly cheapened and their circulation enormously increased. The custom of primogeniture with respect to real estate was abolished in Upper Canada, and in other ways the land laws were amended and the administration improved. Local government, both in Lower and Upper Canada, in 1845 and 1849, was put on a thoroughly representative basis, so that Baldwin along with Sydenham is remembered as the founder of Canadian municipal self-government. In 1849 a general amnesty was issued to all persons who had taken part in the rebellion, which enabled William Lyon Mackenzie to return to Canada; who proved as incapable of reading the lessons of the altered condition of affairs as was Papineau.

The La Fontaine-Baldwin Ministry, which came to an end in 1851, was able to complete the system of internal improvements which had been set on foot by the energy of Lord Sydenham. The Beauharnois canal had been completed in 1845, which gave a continuous river navigation between Montreal and the west, and the channel of Lake St. Peter, between Montreal and Quebec, was deepened and improved. The policy of railway development, which was associated with the later government of Mr. Francis Hincks, had been already started in the time of his predecessors.

Internal improvements.

In spite, however, of the strength of the La Fontaine-Baldwin Ministry, there were two questions which baffled them, that of the clergy reserves and that of the abolition of the seigniorial system. We have seen that the vigorous personality of Sydenham had been able to bring about a settlement of the clergy reserves question, which he vainly believed would be for all time. It was soon proved, however, that the demand for their complete secularization had been merely postponed and not squashed; and with the coming of the Liberals into power that demand was bound to gain in force. But the state of things in the Canadian Parliament rendered a settlement of the question peculiarly difficult. After the resignation of the Draper Conservative Ministry it became an unwritten understanding that a Government should, as a general rule, and especially in matters which were of special concern to one or other of the United Provinces, depend upon a majority which consisted of a majority of the representatives from each of the divisions of the province. Thus the Liberal majority was composed both of French Canadians and of Upper Canada reformers. But, as was noted by Lord Durham, the dominant majority from the Lower Division was really by no means in

Clergy reserves.

Double majority principle.

sympathy with the Radicals from Upper Canada, so that a Liberal Government was sure to disappoint one or other section of its followers. The number of parties in the Parliament made in any case the path of Government difficult. Upper Canada was represented by the Liberal majority, a moderate Conservative party, of which in time much more would be heard, by a small body of extreme Tories—survivals of the 'family compact' days—and lastly by an independent Radical party, who from their hatred of compromise became afterwards known as 'the clear grits'. Lower Canada was represented by a Ministerial majority, Liberal in name, but orthodox in religion, and assuredly most discreet in its liberalism, and by a small party of advanced reformers known as the Reds, who had drunk deep of the well of modern liberalism, and were in many cases, theoretically at least, republicans. Some of the Reds were men of great ability and character. Mr. Antoine Dorion especially was one of the best men and ablest politicians whom Canadian public life has produced, and from this *cénacle* came the future Dominion Prime Minister, Sir Wilfrid Laurier, whose political beliefs, as he has often explained, were based on English, not continental precedents. It was the want of sympathy between the Liberals of Upper and Lower Canada which afterwards enabled John A. Macdonald to sweep into the Liberal-Conservative net so many French Canadians, and thus to form the party which for so long dominated Canadian public life. In 1850, however, the time for this had not come, and La Fontaine, a Conservative in all but name, found himself confronted with a difficult situation. By the imperial Act of 1840 the subject of the clergy reserves had been removed from the jurisdiction of the Canadian Parliament, and La Fontaine's strong inclination was to let sleeping dogs lie. His hands, however, were forced by members of his own Ministry, his Commissioner for Crown Lands moving a series of resolutions, one of which proposed that the Imperial Parliament

Constitution of parties.

Division in Ministry regarding clergy reserves question.

should hand over the decision of the question to the Canadian Legislature, with the view of the reserves being secularized. In the debate which followed the Ministry presented a sorry spectacle of divided counsels, and in the most important of the divisions on the resolutions La Fontaine and Baldwin were found voting in opposite lobbies. Meanwhile, in the Toronto *Globe*, Mr. George Brown, who had started that newspaper in 1844, was urging the necessity of a clear and decided policy, and launched threats against a Ministry which should continue to remain without one.

Question of seigniorial tenure.

On the question of the seigniorial tenure the Ministry spoke with the same uncertain voice. The rents under that system were upon the whole equitable enough, though undoubtedly under the English régime, when the system was no longer mitigated by the equitable interference of the government, it worked in a manner less favourable to the tenant; but the fines on alienation were found to be more and more troublesome, as land was more and more dealt with as a commercial commodity. La Fontaine, however, was too deeply attached to the old institutions of French Canada to be willing to introduce a measure for the total abolition of the seigniorial tenure. In this state of things the government became an extinct volcano. The dissatisfaction among the Upper Canada reformers found vent in a vote directed against the Upper Canadian Court of Chancery, which had been Baldwin's special creation. He treated the vote as one of want of confidence from his own portion of the province, though the motion had been lost in the house as a whole, and resigned; his resignation being quickly followed by his retirement from public life. La Fontaine had doubtless been for some time tired of office, and Baldwin's resignation was quickly followed by his own. The La Fontaine-Baldwin administration had done its work, and more material and commercial questions required ministers of a less fine and more practical fibre. The

Resignation of La Fontaine and Baldwin.

immediate work to be taken in hand was that of railway expansion, and for this purpose Mr. Francis Hincks was a more suitable man than the two great idealists who presided with such dignity and grace over the beginnings of responsible government. That Baldwin, though a strong Liberal, was deeply attached to the British connexion we know from the evidence of Lord Elgin. When Lord John Russell had expressed, at the close of his great speech in 1850 on the Australian Government Bill, the opinion that in time the colonies would set up as separate states, Baldwin was deeply indignant and hurt. 'For myself,' he told Elgin, 'if the anticipations therein expressed prove to be well founded, my interest in public affairs is gone for ever.' It was not by language such as that of Lord John that the links of Empire were to be strengthened and made secure.

AUTHORITIES

Letters and Journals of Lord Elgin. Edited by T. Walrond, 1872. There are also lives of him by Sir George Bourinot in the 'Makers of Canada' Series, and by Professor George M. Wrong of Toronto.

Egerton and Grant, *op. cit.*, contains some of his more important letters and dispatches.

The Colonial Policy of Lord J. Russell's Administration, by Lord Grey, London, 1852, contains a good deal on Canada and the trade question.

Dent, *op. cit.* vol. ii, pp. 81–244.

Turcotte, *op. cit.*

Leacock, *op. cit.*

Life of Sir John Macdonald. By J. Pope. London, 1894. Vol. i, chap. iv, deals with the Rebellion Losses Bill and the annexation manifesto of 1849.

CHAPTER IV

THE ADVENT OF LIBERAL-CONSERVATISM

THE new Ministry, which took office in October, 1851, was presided over by Mr. Hincks and by Mr. Morin, who had been Speaker of the Assembly, and represented the French Canadians. An attempt was made to conciliate the 'clear grits' by including Dr. Rolph, who had returned to public life, in the ministry; but the radical distrust of Hincks was too great to be thus propitiated. In the elections which ensued the Government attained a majority; but of more importance than mere numbers were the individual statesmen who now took a prominent part. John A. Macdonald had been a member of the Assembly since 1844; but at first he had contented himself with making good his ground, and took very little part in the public debates. He had, however, been a member of the Draper Conservative Ministry, and had begun to obtain that extraordinary influence over others which was his peculiar strength. At the time of the annexation manifesto he had kept his head, and had advocated in its stead the formation of a British-American league, the object of which should be the federation of the British North American provinces under the British flag. Most wary and cool as a politician, in his private life he was guilty of faults and breaches of decorum, for which only his singular charm and genuine kindness of nature could have won forgiveness. Such was the man who from this time forward became, till his death, identified with the history of Canada. At the same time there appeared upon the stage of Parliament a foeman worthy of his steel. Men-

John A. Macdonald.

George Brown.

tion has already been made of Mr. George Brown and of his newspaper the *Toronto Globe*, which soon became a great power in the country. A big, gaunt Scotchman, Brown had both the strong and the weak points of his forbears developed to an exaggerated degree. He presented that combination of fiery enthusiasm, under an icy exterior, which make the doings of the Scottish covenanters even now something of a puzzle. There was in him assuredly nothing of the opportunism of his great adversary; but perhaps all the more on this account he excited a passion of devotion among the Presbyterians and Methodists of Upper Canada, to which the amused admiration of the Conservatives for their brilliant leader was hardly a parallel. In some ways, and of course *longo intervallo*, these two statesmen may be compared to Disraeli and Gladstone. There was in both that difference on fundamentals which is the secret of political hatreds. To English observers the vigour with which Brown threw himself into an anti-Catholic crusade requires explanation. In this country we see the Roman Catholic Church at its best, and we are familiar with the evils of religious intolerance; but it must be remembered that in Lower Canada at least the Church of Rome has become something very different from that august and dethroned figure with which the writings of Newman have made us familiar. There she has seemed to wield mediaeval powers with mediaeval methods, and even in Presbyterian Kingston a Catholic archbishop has been known publicly to threaten denial of the rites of the Church to those who should vote for a particular candidate, though it is fair to add that such interference led to the candidate's triumphant return.

Question of clergy reserves.

The question of the clergy reserves still menaced the Ministry. In January, 1851, a dispatch from Lord Grey had been received by the late Government, in which, while deprecating a disturbance of the existing arrangements, which had secured a certain portion of the public lands of Canada for the purpose of creating a fund for religious instruction, he yet recognized that the question was one so exclusively affecting the people of Canada that its decision ought not to be withdrawn from the Canadian legislature. Nothing, however, had been done in the matter by Parliament before the Whigs left office, and when in 1852 they were replaced by the Conservatives, the new Colonial Secretary, Sir John Pakington, had strong conscientious objections to the course sanctioned by his predecessor. But while the home Government were in this mood, the Canadian Ministry, while expressing pious opinions in favour of secularization, proved no more anxious to settle the question than had been La Fontaine and Baldwin; and even when Lord Aberdeen's government in 1853 announced their readiness to pass a bill authorizing the Canadian Parliament to deal with the clergy reserves in their own way, subject to the preservation of existing rights, no steps were taken to show that the Canadian Ministry was in earnest.

The indignation of the Radicals was great, and, in the circumstances, natural. When Parliament met in June, 1854, an amendment to the speech from the throne expressing regret that a measure had not been promised for the immediate settlement of the clergy reserves, was carried against the Government by a coalition of Conservatives and Radicals; and in the general election which followed the opposition was triumphant. In 1853 the number of members of the Assembly had been raised from eighty-four to one hundred and thirty, thus diminishing the importance of each individual vote, a change which was warmly welcomed by Lord Elgin. At this time a question came to the front which was henceforth till Confederation to be a continuous cause of trouble in Canada. It has been already mentioned that at the time of the Union, Upper Canada, though containing not more than about two-thirds of the population of the lower division, received equal representation. The effect of the steady immigration into the upper portion of the province was that, by the census of 1852, Upper Canada had a population more than sixty thousand greater than that of Lower Canada. The Upper Canada reformers now protested vehemently against a provision which had originally been in their favour, and George Brown proposed that representation should be by population with no regard to the limits of the two divisions. Such a change would assuredly have been regarded by Lower Canada as a distinct breach of a compact, and must have led to great bitterness. There is no reason, therefore, to regret its defeat. During the same session, an address was passed by the Assembly asking for power to be given to the local Legislature to alter the constitution of the legislative council, so as to make it elective.

Representation of population.

Though the Radicals played a leading part in the discomfiture of the Hincks-Morin Ministry, it was not by them that the spoils of office were won. The prescient mind of John A. Macdonald, who was already the virtual leader of the Conservative party, though he loyally acknowledged as titular head the veteran Sir Allan McNab, had for some time recognized that the future lay with the party which should rally to itself the moderate men of both divisions. 'Our aim should be,' he had written, 'to enlarge the bonds of our party so as to embrace every person desirous of being counted as a progressive Conservative.' In accordance with this policy a coalition was effected between the Upper Canada Conservatives, the French Canadian followers of Mr. Morin, and the followers of Mr. Hincks from Upper Canada. Thus arose the Liberal-Conservative party, which for so long dominated Canadian politics, and gave its *quietus* to the 'family compact' party of reaction. Hincks did not himself join the Ministry, but promised his support on the understanding that two of his friends should receive places. It suggests reflections on the unreal character of colonial party politics, that the work of the new Ministry was to carry through the neglected programme of their

The Liberal-Conservative Party.

Settlement of clergy reserves question.

predecessors, viz. the secularization of the clergy reserves; the abolition of the seigniorial tenure; and, lastly, the introduction of the elective principle into the constitution of the legislative council. The bill, which at last settled the *vexata quaestio* of the clergy reserves, provided that in future the moneys arising from them should form a separate fund to be called the Upper Canada Municipalities' Fund, and the Lower Canada Municipalities' Fund. The annual stipends, which had been allotted to the clergy of the various denominations under the Act of 1840, remained a first charge upon those funds during the lives or the incumbencies of the persons receiving such stipends; and provision was made for an optional commutation of the value of the annual allowances. Subject to these charges, the whole of the proceeds of the reserves were to be divided equally among the several counties and cities in proportion to their population. The final settlement was made easier by the generous temper shown by the different churches and clergy.

Abolition of seigniorial tenure.

Attention has been already called to the mischief caused to the free circulation of landed property by the tax of one-twelfth of the purchase money on every alienation, and by the right of pre-emption within forty days possessed by the seignior. Attempts to encourage the optional commutation of the feudal tenure had failed, through the inducement held out to the seigniors being insufficient; and a radical change was now effected. The government measures abolished all feudal rights and duties in Lower Canada, whether affecting the *censitaire* or the seignior, and provided for the appointment of a Royal Commission to inquire into the financial value of the rights affected. Questions of law were to be decided by a special court of fifteen judges constituted for this purpose; and the schedule of fixed rents, which was drawn up and put in force, was based upon the opinions of the majority of this court. The work of arriving at a conclusion was necessarily one which took time, and it was not till 1859 that the Canadian Parliament appropriated the funds for the indemnification of the seigniors and completed the work of commutation. The alteration in the law involved an expenditure of not less than ten million dollars; inasmuch as an equal amount to that allotted to Lower Canada under the settlement had to be given to the upper division, so as to secure equality of treatment to the two sections.

Reciprocity Treaty.

The other chief measure of the session of 1854, a bill for giving effect on the part of Canada to the reciprocity treaty between Great Britain and the United States, was made necessary by the successful exertions of Lord Elgin. We have already seen that in the circumstances of Canada reciprocity with the United States seemed to him a matter of urgency; but negotiations for a reciprocity treaty between the United States and Canada had dragged on without result for six years; and session after session the bill relating to it had been shelved by Congress. At last, in 1854, Elgin himself went to Washington in the forlorn hope of proving more successful. Laurence Oliphant, Elgin's brilliant and eccentric private secretary, has given a very lively picture of this mission. If the treaty was not floated in on champagne, still the personal equation counted for much in the settlement of this difficult matter. Under the treaty certain products which were common to both countries were made exempt from customs duties on both sides of the line. The principal of these were grain, flour, breadstuffs, animals, meat, fish, timber of all kinds, poultry, cotton, wool, hides, ores of metal, pitch, tar, ashes, flax, hemp, rice, and unmanufactured tobacco. The people of the United States and of the British provinces were to possess equal rights to navigate the St. Lawrence, the Canadian canals, and Lake Michigan. Americans obtained the right to take fish of any kind, except shellfish, on the seacoasts and shores and in the bays, harbours, and creeks of any British province, without any restriction as to distance, and might land on these coasts for the purpose of drying their nets and curing their fish. Equal privileges were given to British citizens on the American Eastern Coast, north of the thirty-sixth degree of north latitude; but such privileges were worth very little. The duration of the treaty was fixed at ten years; after which it might be abrogated by either party at one year's notice. Under the treaty of 1854 trade between the United States and Canada advanced by leaps and bounds; but at the end of the ten years the United States declined to renew it, partly because of a hostile feeling towards Great Britain and her colonies which had been caused by British sympathies with the Confederate cause during the Civil War, and partly because powerful vested interests were opposed to the renewal of the treaty. This refusal was not an unmixed evil for Canada, as it compelled her to assume a more independent attitude with regard to trade, and to develop that export trade to Great Britain and the Continent of Europe which has assumed such large proportions.

The obtaining of the reciprocity treaty with the United States was the last work achieved by Elgin on behalf of Canada. We have already noticed the peculiar significance of his period of office, during which responsible government for the first time came into full play. A history of Canada is only indirectly concerned with the passing phases of British public opinion; but it is necessary to point out, in even the most summary treatment of Lord Elgin's views, that he at least did not welcome responsible government as a half-way house to separation. 'You must remove the habit,' he wrote, 'of telling the colonies that the colonial is a provisional existence; you must allow them to believe that, without severing the bonds which unite them to Great Britain, they may attain the degree of perfection, and of social and political development, to which organized communities of free men have a right to aspire.' Again: 'Is not the question at issue a most momentous one? Is the Queen of England to be the sovereign of an Empire growing, expand-

Elgin's views.

ing, strengthening itself from age to age, striking its roots deep into fresh earth, and drawing new supplies of vitality from virgin soils? or is she to be for all essential purposes of might and power, monarch of Great Britain and Ireland merely—her place and that of her line in the world's history determined by the productiveness of twelve thousand square miles of a coal formation, which is being rapidly exhausted, and the duration of the social and political organization over which she presides dependent on the annual expatriation with a view to its eventual alienization of the surplus swarms of her born subjects?'

Still more emphatically he wrote in a letter to an intimate friend: 'I have been possessed (I use the word advisedly, for I find that most persons in England still consider it a case of *possession*) with the idea that it is possible to maintain on this soil of North America, and in the face of Republican America, British connexion and British institutions, if you give the latter freely and trustingly. Faith, when it is sincere, is always catching; and I have imparted this faith more or less thoroughly to all Canadian statesmen with whom I have been in official relationship since 1848, and to all intelligent Englishmen with whom I have come in contact since 1850.'

AUTHORITIES

Pope, *op. cit.* vol. i.

Walrond, *op. cit.*

Egerton and Grant, *op. cit.*

Life of George Brown. By Alexander Mackenzie, and by J. Lewis in 'Makers of Canada' Series.

Dent, J. C., *op. cit.* vol. ii, pp. 245–316.

Reminiscences. By Sir F. Hincks. Montreal, 1884.

The History and Present Position of the Clergy Reserves. By C. Lindsey. Toronto, 1851.

Selected Speeches of Sir William Molesworth, 1903, edited by H. E. Egerton; speech of March 5, 1853, contains a good account of the Clergy Reserves Question from the liberal point of view.

On the settlement of the Seigniorial Rights, see Munro, *op. cit.* chap. xii.

On the Reciprocity Treaty of 1854, Laurence Oliphant's *Episodes in a Life of Adventure*, 1887.

CHAPTER V

THE BREAKDOWN OF PARTY GOVERNMENT

Railway development.

But while in the field of thought and political action the riddle of Colonial government was finding solution, a peaceful material revolution was supplying the means, without which the ideals of statesmen might have remained a counsel of perfection. Against the disintegrating forces of distance and isolation, science has supplied connecting-links which bridge oceans and draw together continents. Steamboats, railways, and cheap postal and telegraph rates are in these latter days the most powerful missioners of union. It was in keeping with this truth that the first colonial statesman who took up the work of railway development was also the strongest in his utterances on behalf of imperial unity. In 1849 Joseph Howe took a leading part in the movement to build a railway from Halifax to the St. Lawrence, which had been proposed as early as 1845. A joint survey was made in 1847 by the governments of Canada, Nova Scotia, and New Brunswick; and so powerful was Howe's enthusiasm that he succeeded in persuading Lord Grey, the strictest of *laissez aller* free traders, of the advantage of an imperial guarantee to a line of railway from Halifax to Quebec or Montreal through British territory. The undertaking, however, fell through because the imperial authorities objected to the proposed route, on the ground that it ran too near to the frontier of the United States. Meanwhile, in Canada, railway development was being seriously entered upon. Modest attempts at railways had been for some time begun, but it was not till 1851 that a measure was passed which provided for the building of a great trunk line to connect Montreal with Toronto. Quebec and Montreal were already connected by rail, and it was intended that the new line should be a continuation of the military line proposed between Halifax and Quebec; by which means an intercolonial railroad would connect the Atlantic seaboard and the great lakes. As an example of the revolution effected by railways we may note that it took John A. Macdonald's father three weeks to make the journey by boat from Montreal to Kingston. As we have seen, the combined scheme failed, because the imperial authorities, on military grounds, would only sanction a road which ran greatly to the north of the one chosen by the colonies; but Mr. Hincks was none the less determined to go on with the westward branch of the scheme.

Grand Trunk Railway.

The Grand Trunk Railway finally surmounted all obstacles, though not without great expense to the Canadian exchequer and great loss to the British investor. By 1860 the railway was completed from Rivière-du-loup on the Lower St. Lawrence as far as Sarnia and Windsor on the western lakes. It has been calculated that from first to last the Grand Trunk Railway must have cost the Canadian exchequer over sixteen million dollars; but in the long run the province received value for its money. Liberal grants were also made to the Great Western Railway, which ran from the Niagara River to Hamilton, London, and Windsor, and to the Northern Railway which ran from Toronto due north. During the Hincks-Morin ministry the first step was taken to encourage intercourse with Europe by the offer of a considerable subsidy for the carriage of mails between Canada and Great Britain.

Seamy side of political life.

Nova Scotia had here also taken the lead, as such subsidies were given there as early as 1840. The Allan Line, which has played so great a part in bridging the Atlantic, began its operations in 1852. The steamers taken off during the Crimean War have run fortnightly with the mail between England and Canada since 1856. There was, it is true, another side of the shield in this outgrowth of material development. It was inevitable that when business played so great a part in politics jobbing and the advancement of personal interests should take closer grip of political life. Moreover this evil was intensified by the jealousy which prevailed between Upper and Lower Canada. In a private letter written to John A. Macdonald by his colleague, Mr. John Ross, in September, 1855, we find him saying: 'There is nothing that will so surely break down the Union as the leeching process going on towards Upper Canada. If they will insist on throwing away, year by year, large sums of money which bring no return, and are productive of no good to the country, the Union cannot be preserved; and although W. Lyon Mackenzie has failed for the present, some younger and stronger man will arise and agitate with more success. The money we vote for education in Lower Canada produces no corresponding results, as the priests for the most part pocket the cash.' It was an admitted evil that 'if a sum was properly demanded for some legitimate local purpose in one section, an equivalent sum had to be provided for the other as an offset, thereby entailing prodigal expenditure and unnecessarily increasing the public debt'.[1] This state of things gave continual occasion for friction and jealousy.

Head Governor-General.

Lord Elgin's successor was Sir Edmund Head, who arrived at the end of 1854. He had examined Elgin for a Merton fellowship, and carried on his work as governor with success. Most fortunately he proved *persona grata* to John A. Macdonald, who, from his accession to power in 1854 till his death, was the dominating force in Canadian public life. Macdonald had been prejudiced against Lord Elgin on account of his action regarding the Rebellion Losses Bill; and the short period during which he served under him as Minister did not avail to remove such prejudices. Mr. Morin retired in the beginning of 1855, and the French Canadian portion of the Ministry was reorganized under Dr. Taché; and in 1856 a ministerial crisis was threatened by the resignation of the Upper Canada Liberal Ministers, who resented the nominal leadership of Sir Allan McNab. The difficulty was for the time averted, but the Conservatives, no less than the Liberal members of the Government, were dissatisfied with their inefficient and gouty leader; and when a majority of the Upper Canadian representatives voted against the Ministry on the question of the site of the new capital, opportunity was taken of the defeat to force his resignation. The old Ministry, minus Sir Allan, returned to office; Macdonald, along with Taché, being now the nominal, as well as real, head. In 1856 the Legislative Council was made elective in the case of future members; the term of office being fixed at eight years. Each section of the province received twenty-four members, and elections were to be held every two years, twelve members being returned at a time. In the next year Taché retired from public life, and his place as French leader was taken by Mr. George Etienne Cartier, with whom Macdonald was on terms of cordial intimacy.

---

[1] Pope, *op. cit.* vol. i, p. 150.

Remodelling of Ministry.

Cartier ranks with Macdonald amongst the makers of Canada. In early life a follower of Papineau, he had fought in the abortive rebellion of 1837. Elected to Parliament in 1848, he followed Mr. Morin in his alliance with the Conservatives, and from 1855 till his death in 1873 occupied the same position among the French Canadian Liberal-Conservatives as was occupied by Macdonald among the English.

Bad times. The time was one of stress and difficulty, as Canada, after a bad harvest, was passing through a period of severe depression. The great sums expended from 1854 to 1857 on railways, and the artificial prosperity thereby brought about, led to inevitable reaction. The general election which took place in the winter of 1857 did not serve to clear the political atmosphere. In Upper Canada the opposition went to the polls with the cry of representation by population and the abolition of 'separate' or denominational schools, and they secured a majority in that section of the province. The French Canadians, however, regarded this programme with horror, and in the result Mr. Cartier returned to Parliament with almost the entire representation of Lower Canada pledged to support him.

Education.

No subject indeed presented greater difficulty to governments dependent upon majorities, approaching public questions from a widely different standpoint, than that of Education. The Roman Catholics of Lower Canada were necessarily pledged to support denominational schools, whereas the Liberals, and not a few of the Conservatives, of Upper Canada, in their dislike of Roman Catholicism, were moving in the direction of secular education. 'Separate' schools, i. e. schools in a similar position to the non-provided English schools of to-day, were recognized in 1841, when the first attempt was made at a general system of public schools. The 'separate' schools were almost entirely Roman Catholic, and even many Catholics were content with the religious teaching given in the public schools; but an unsuccessful measure, introduced in 1849, which threatened to abolish 'separate' schools and make a secular system universal, alarmed the friends of denominational education and caused them to assume a more militant attitude. In Upper Canada the separate schools received their share of the public grant and of the county school rate, but the municipal school rate was devoted wholly to the common schools. By an Act, however, of 1855 all who contributed to the support of separate schools were exempt from the payment of this municipal rate. The attempt to abolish separate schools by Parliament merely served as a spur to their establishment, and in 1863 the dispute was terminated by the final victory of the Roman Catholic Church. Moreover, had not there been separate schools for Protestants in Lower Canada, Protestant children must have been educated by Catholic teachers and in a Catholic atmosphere. There at least separate schools seemed inevitable, and there the whole municipal machinery was employed in the collection of the rate which maintained the separate schools.

Meanwhile the general standard of education was being raised by less controversial measures. By the Acts of 1841 and 1843 public money to the amount of twenty thousand pounds annually supplemented the sums contributed locally, and in 1846 the educational system was greatly strengthened by the establishment of a strong superintending department, which acted through inspectors, who were able by making grants conditional on the observance of the law to secure its enforcement. The system was further improved in 1850; power being given under an Act of that year to the ratepayers of any school district to make education free; by which means the check caused to attendance by the enforcement of substantial fees ceased to operate. The effect of this measure in educating public opinion was immense. In 1858 forty-five per cent. of the schools were free, and about seventy-four per cent. of the children of school age were in attendance; in 1865 eighty-three per cent. of the schools were free, and nearly eighty-five per cent. of the children of school age were attending school. In this state of things the transition was easy to the enactment of free education in 1871, when education was made compulsory for a period of four months in the year. At the same time it should be noted that, up to quite recent times, the quality of the education given in Lower Canada was the cause of grave complaint.

University Education.

We have noticed the attempt made before the Union to promote higher education. Mr. Baldwin tried in 1843 to move the existing denominational colleges to Toronto and merge them in a degree-giving University; but the attempt ended in failure. Nor were subsequent attempts to settle the question, in 1846 and 1847, more successful. A Radical measure was at last passed in 1849 by Mr. Baldwin, the object of which was the complete separation of the provincial University from all denominational influences and control. The sectarian colleges were to be wiped out as educational institutions and to become mere theological schools. This measure met with the determined opposition of the religious bodies throughout the province. None the less, the principles advocated by Baldwin prevailed, though Bishop Strachan, hitherto head of the University of Toronto, 'sailed off in a cockboat of his own,' and collected in England sufficient funds to found a new University under Anglican influence. This institution, known as Trinity University, was in 1906 federated with the provincial University.

Weakness of successive ministries.

Considering the importance which had been attached to obtaining a majority from both sections of the province, the position of the Macdonald-Cartier Government was a very delicate one. They decided, however, to meet Parliament, and, if they were willing to depend upon Lower Canadian votes for a majority, their position appeared fairly safe. The vexed question of the site of the new capital gave the Opposition their opportunity. The selection of a site having been left to the Queen, on the advice of Sir Edmund Head, she chose Ottawa, a choice which was naturally resented by Quebec, Montreal, Toronto, and other places which aspired to the honour. A motion to the effect that Ottawa ought not to be the permanent seat of government was carried in the House of Commons against the Ministry, who thereupon resigned. George Brown was now the leader of 'the clear grits', who had been the mainstay of the Opposition; he was therefore invited to form a Government. On the expectation that he would be allowed to dissolve Parliament he accepted. But as Mr. Dorion was in favour of a confederation of the two provinces rather than of representation by population, and as a majority of his colleagues were Roman Catholic, the difficulty in Brown's way would in any case have been great. Sir Edmund Head refused to grant a dissolution, on the ground that a general election had been held too recently, and that, if the result had been due to corrupt practices, there was no certainty, in the absence of fresh legislation, that the next election might not be equally tainted. Mr. Brown's Government failing to secure the confidence of Parliament after a government lasting four days, a new shuffling of the cards took place, under which Mr. Cartier became the nominal First Minister; Macdonald, as Attorney-General West,[1] continuing his leadership of the Upper Canadian section. Two questions now rose to the front which were to become of paramount importance. Mr. Alexander Galt, the son of John Galt, the Scottish author and colonizer, who now joined the Ministry, had for some time advocated a federal union of the British North American provinces, and made its support a condition precedent to his joining the Government. The proposal was, of course, no new one; but it had not hitherto been taken up seriously by any Ministry. Three members of the Government proceeded to England in the autumn of 1858 to sound the views of the Home Government in the matter, and to propose the holding of a meeting of delegates from the various colonies, which should discuss the expediency and conditions of such a union. The British Government at the time threw cold water on the proposal. No colony except Canada, they pointed out, had shown any inclination towards a federal union, and in this state of opinion the holding of a conference, such as was proposed, appeared premature. The time was hardly ripe; but later events were to vindicate the wisdom of Galt's policy.

Federation.

Protection.

The other question on which the Cartier-Macdonald administration took a new departure was that of the tariff. Here, again, the inspiration came from Galt, though John A. Macdonald had as early as 1846 professed himself in favour of the protection of native industry, and Galt's policy had to some extent been anticipated by his predecessor as Inspector-General, Mr. W. Cayley. The general policy was to retain taxation on luxuries and on the importation of such articles as could be manufactured in Canada, while diminishing it on such articles of prime necessity as were the raw material of manufactures. The Budget of 1859 showing clear evidence of this policy, it was natural that the British Government should view with grave concern a movement which was both opposed to the theories dominant in England, and fraught with practical bad consequences to British trade. Colonial reformers, such as Lord Durham and Charles Buller, no less than Whig statesmen of the type of Lord Grey, had always recognized the regulation of colonial trade with the mother-country and with foreign countries as one of the questions on which Great Britain should have the last word; and as late as 1839 Joseph Howe, in his letters to Lord John Russell, had admitted the right of the home Government to control the Nova Scotian tariff; Lord Grey himself had expressly affirmed that the commercial policy of the empire should be the same throughout its numerous dependencies, and that the principle was no less important, when British policy was directed to the removal of artificial restrictions upon trade, than it had been in the days when that policy had been directed to their maintenance. But the home Government was powerless against the fixed purpose of the colony. Bounties had indeed been forbidden in New Brunswick, but when a feeble remonstrance was sent to Canada at the instance of the Sheffield manufacturers, the Canadian reply clinched the question, and led to a complete abandonment of the British claim. 'Self-government,' wrote Galt, 'would be utterly annihilated, if the views of the Imperial Government were to be preferred to those of the people of Canada. It is therefore the duty of the present

---

[1] The Attorney-Generals for Lower and Upper Canada were described as Attorney-Generals East and West.

Government distinctly to affirm the right of the Canadian Legislature to adjust the taxation of the people in the way they deem best, even if it should unfortunately happen to meet the disapproval of the Imperial Ministry. Her Majesty cannot be advised to disavow such acts unless her advisers are prepared to assume the administration of the affairs of the colony irrespective of the views of its inhabitants.' Although, however, the tariff was to some extent based on Protectionist lines, the days of the 'national policy' were not yet. In truth it was difficult to find questions on which a plain issue could be joined on party lines. The Ministry were dependent upon a majority formed from Lower Canadian representatives, and though George Brown's views made him impossible as a leader in a coalition Government representing both sections of the province, the charges which, through his newspaper, he unceasingly brought against the Ministry of sacrificing Upper Canadian interests to those of Lower Canada, succeeded in rendering the union most unpopular in the western portion of the province. Even amongst Macdonald's followers from Upper Canada the demand arose for representation by population, and it became necessary to leave it an open question even in the case of members of the Government. Nor were the Opposition more united among themselves. An attempt had been made in 1859 to rally the Reform party in favour of a platform which should include the repeal of the union and the setting up in its stead of two or more local governments, to deal with matters of local concern, together with a joint authority, which should have the control of all such affairs as were common to both sections of the province. But the new programme was far from uniting the party; Mr. John Sandfield Macdonald, an eccentric Scot, of sharp tongue and considerable ability, especially opposing it. The movement, moreover, made little way with the French Canadian Radicals; and the position of the Opposition was hardly improved. It must

Difficulties in the way of government.

be confessed that, with a weak Government, and with a yet weaker Opposition, with each section of the province arrayed against the other, and the prejudices of religion and of race finding each day more violent expression, the union might well be considered to be upon its trial. It may be that, according to the language of Sir Edmund Head, it justified itself as a training ground for the virtues which are required in the component parts of a nation. 'If,' he wrote, 'it is, difficult for any statesmen to steer their way amid the mingled interests and conflicting opinions of Catholic and Protestant, Upper and Lower Canadian, French and English, Scotch and Irish, constantly crossing and thwarting one another, it is probably to the action of these very cross-interests and these conflicting opinions that the whole province will, under Providence, owe its liberal policy and its final success.' Still it must be admitted that the final gain was at the cost of very much.

Defeat of Ministry.

In the general election of 1861 the same results followed; a majority of French Canadians making up for the Government their weakness in the upper section. It was from Lower Canada, however, that the bolt fell which put an end to their existence. The imminence of war with the United States, caused by the *Trent* affair, brought home to the Canadian authorities their unpreparedness in the event of attack. A bill for the better organization of the militia, which proposed an establishment of fifty thousand men for active service and of the same number of reserves, was brought forward in 1862. It was defeated owing to the defection of the French Canadian supporters of the Ministry, there being a majority of seven for the bill among the Upper Canadian members. Whether the reason be that they were sickened of war during the long years in which France and England fought for the hegemony of North America, nothing is more remarkable in the character of the French Canadians than their dislike of everything in the nature of militarism.

Even so powerful a Minister as Sir Wilfrid Laurier has had to reckon with this feeling. Thus the defeat of the Cartier-Macdonald Government was due to no anti-British feeling, but simply to dislike of war and of war preparations. How far the avoidance of preparations is the best way of averting war itself is another question, on which we have not here to express an opinion.

Lord Monck Governor-General.

Sir Edmund Head left Canada in 1861 and was succeeded by Lord Monck. Sir Edmund seems to have suffered somewhat in popularity by his proneness to direct methods, but, as we have seen, he had the full confidence and respect of John A. Macdonald. Difficult as had been the political situation it became yet more difficult in the years which immediately preceded Confederation. By way of change, Lord Monck, in 1862, applied to John Sandfield Macdonald, who, being a strong opponent of representation by population, could hardly claim to reflect the views becoming dominant in Upper Canada. He succeeded, however, in forming a Ministry with the help of the French Canadian Radicals under Mr. Louis Sicotte, a lawyer, who afterwards became a judge. The new Government was at first bitterly opposed by Brown, who was willing to ally himself with the Conservatives to effect their defeat, and their position was at best a slippery one. They were pledged to the recognition of the rule that the Government majority should be composed of a majority from both sections of the province, and yet they were obliged, on pain of losing their Lower Canada supporters, to countenance a measure favourable to separate schools, which was very distasteful to the majority of their Upper Canada followers. Nor did such inconsistency avail them; a vote of want of confidence, moved by John A. Macdonald, was carried by a majority of five. In the shuffle of places which ensued, a new Ministry was evolved more to the mind of George Brown, who afterwards asserted that the Prime Minister, John Sandfield Macdonald, had promised him that, in the event of a general election, he would change both the policy and the personnel of his Cabinet to bring both into accord with the views of the people of Upper Canada. The result of the general election, which took place in the summer of 1863, was in the nature of a deadlock. The Ministry gained some seats in Upper Canada but lost in the lower division, so that it became impossible to insist upon the principle of a double majority. An amendment to the Address, moved by Mr. Sicotte, who had been ousted from the French leadership to make room for Mr. Antoine Dorion, was only lost by a majority of three. Mr. Sicotte having been got out of the way by his appointment to a judgeship, a motion condemning such appointment as calculated to prejudice, if not to destroy, the independence of Parliament, was only defeated by two votes. In December the failure of the newly appointed Solicitor-General for Canada West to secure his re-election rendered inevitable the fall of the Ministry, and in the following March, without waiting for a formal vote of want of confidence, they resigned. The Governor appealed to Sir Etienne Taché, who had been knighted in 1857, to return to public life and form a Ministry, and, with the help of John A. Macdonald, a new Government was formed, though with no better fortunes than those of its predecessor, the fatal number by which it was defeated being again a majority of two. In three years four ministries had been defeated and two general elections had given merely uncertain results. Party government means government by a majority, but if the representatives are in turn so jealous of each succeeding Ministry that none can obtain a working majority, how, under that system, can government be carried on? This was the problem which confronted Canadian statesmen, and happily it admitted of a solution, which widened the horizon of Canadian politics.

AUTHORITIES

Pope, J., *op. cit.* vol. i, pp. 105–257.
Mackenzie, *op. cit.*
Hincks, *op. cit.*
Dent, J. C., *op. cit.* vol. ii, pp. 317–436.

An exhaustive *Documentary History of Education in Upper Canada from . . . 1791 to . . . 1876* is being published by Dr. J. George Hodgins. The 18th volume, published in 1907, brings the subject down to 1863.

E. Ryerson. By N. Burwash in the 'Makers of Canada' Series, 1905.

CHAPTER VI

FEDERATION

THE *impasse* at which Canadian politics had arrived was largely due to the sense of wrong felt by Upper Canada, on account of its inadequate representation in Parliament. The Census of 1861 showed that the population exceeded that of Lower Canada by some 300,000; and yet, under the Union, Upper Canada seemed condemned to increase and develop merely in the interests of the lower section. No one had done more, by writings and speeches, to encourage this feeling of indignation and discontent than had George Brown. It was, therefore, fitting that his should be the voice to point out a new *modus vivendi*. In private conversation with followers of the Conservative Government he urged that the present ministerial crisis gave the opportunity to settle for ever the constitutional difficulties between Upper and Lower Canada. He expressed his own willingness to co-operate with the existing or any other administration which should deal with the question as a whole. A Parliamentary Committee, of which Brown was chairman, appointed to consider the constitutional question, had reported 'in favour of changes in the direction of a federative system'. At that time John A. Macdonald did not support this recommendation, but it is obvious how much, apart from finding a remedy for existing evils, the imperial aspect of federation must have appealed to him when he gave thought to the subject.

Intervention of G. Brown.

In any case a ground of compromise had now been arrived at, and, after conferences between Brown and members of the Ministry, a memorandum was drawn up, which received the assent of both parties. In this the Government

Agreement arrived at.

undertook, immediately after the prorogation, to address themselves, in the most earnest manner, to the negotiation of a confederation of the British North American provinces. Failing a successful issue to such negotiations, they were prepared to pledge themselves, during the next session of Parliament, to apply a remedy to existing difficulties by introducing a measure for establishing the federal principle in Canada alone, coupled with such provisions as would permit the Maritime Provinces and the North-West Territory to be afterwards incorporated into the Canadian system. The Government—apart from pledging themselves to bring in a bill in the next session for the introduction of the federal principle into Canada—further undertook to send representatives to the Lower Provinces and to England, with the view of securing the assent of those interests, which were beyond the control of the Canadian Legislature, to a measure of more general federation. As, however, the advantage of any plan depended much upon its details, Brown reasonably insisted upon the introduction into the Cabinet of a fair representation of the Opposition. He was himself averse to becoming a colleague of Macdonald; but finally yielded, and entered the Government along with Mr. Oliver Mowat, a leading Liberal, who afterwards became very prominent in the public life of Ontario, and Mr. William McDougall, a journalist and politician, who had for years advocated the development of the North-West Territories. Undoubtedly the sacrifice made by Brown, in joining the Macdonald Ministry, was great. He wrecked a political party which had looked to him for light and leading, and entered upon untrodden paths with colleagues whom he distrusted, the most powerful of whom, by his strong points no less than by his failings, was a constant thorn in his side. If patriotism means the sacrifice of personal ends to the public good, then Brown well earned the title of patriot at this critical moment of Canadian history. For although the coalition was no

Coalition of Macdonald and Brown.

doubt the only way out of a blind ditch, it none the less puzzled plain men. Loyal Tories were scandalized at being asked to vote for lifelong opponents, and Mr. McDougall, on seeking re-election, was defeated by Tory votes, notwithstanding the strongly-expressed wishes of the Conservative Prime Minister. The reformers in Upper Canada were rent in two, some following Brown and some maintaining their old opposition. The small party of French Canadian Radicals, who would not have objected to confederation had it been confined to Canada, regarded with distrust a wider measure for fear that it should imperil the persistence of French nationality. The artificial and difficult nature of the whole situation was well brought out in the relations between Macdonald and Brown. As has been said, they had been bitter personal enemies, and were soon again to become so; but, while colleagues, in Macdonald's words, 'they acted together, dined at public places together, played euchre in crossing the Atlantic, and went into society in England together'; and yet, on the day after Brown's resignation, Macdonald adds: 'We resumed our old positions and ceased to speak.'[1]

Situation in Maritime Provinces.

But, whatever their own feelings, the Ministry, as a whole, worked loyally for confederation. Moreover, events in the Maritime Provinces were moving in the same direction. In Nova Scotia the new leader of the Conservative party, Dr. Charles Tupper, who afterwards played so great a part in Dominion politics, was strongly in favour of a union between the Maritime Provinces; and for this object a meeting of delegates from Nova Scotia, New Brunswick, and Prince Edward Island was arranged at Charlottetown, in Prince Edward Island, for the autumn of 1864. Joseph Howe, owing to his work as Fisheries Commissioner, was unable to attend this meeting; an accident which was of ill fortune to the cause of Confederation in Nova Scotia for many years. The delegates found agreement by no means easy; and, while they were still at their work, they were interrupted by the appearance of eight Canadian Ministers, who invoked their co-operation in a larger scheme of federal union. In these circumstances the members of the Conference of the Maritime Provinces decided to adjourn further proceedings, and to attend a Conference at Quebec, on the subject of a federal union of all the British North American provinces. It is impossible not to compare the hurried manner in which the Canadian federation was decided upon with the voluminous discussions and proceedings which issued in the birth of the Australian Commonwealth.

---

[1] Pope, J., *op. cit.* vol. i, p. 265.

Quebec Conference, October, 1864.

The British North America Act of 1867 in substance embodies the results of the Quebec Conference; but that Conference, dealing with the question *de novo*, only lasted from the 10th to the 28th of October. It sat, moreover, with closed doors, and our accounts of its proceedings are still very imperfect. The Conference came to the unanimous opinion that the best interests and present and future prosperity of British North America would be promoted by a federal union under the Crown of Great Britain, provided that such union could be effected on principles just to the several provinces. In moving this resolution, Macdonald laid stress on the extreme importance of seizing the present opportunity. The situation in Canada had become intolerable; and unless a prompt decision could be arrived at the Canadians would perforce be obliged to find their own remedy; in which case it might be difficult to move hereafter in the direction of the wider measure. There were urgent reasons why British North America should take a more commanding position, not only in the eyes of England but in the eyes of foreign countries, and especially of the United States. 'For the sake of securing peace to ourselves and to our posterity we must make ourselves powerful. The great security for peace is to convince the world of our strength by being united.' In framing the Constitution, Macdonald insisted, care should be taken to avoid the mistakes and weaknesses of the United States system, the primary error of which was the reservation to the different states of all powers not delegated to the central government. This process should be reversed, by the establishment of a strong central government to which should belong all powers not specially conferred on the provinces. 'Canada,' he affirmed, 'in my opinion is better off as she stands than she would be as a member of a confederacy composed of five sovereign states, which would be the result if the powers of the local governments were not defined. A strong central government is indispensable to the success of the experiment we are trying.'[1] It should be remembered that Macdonald was not in favour of the principle of federation as such. He would have preferred by far a complete legislative union; but, inasmuch as this was out of the question, considering the strong local feeling in Lower Canada and elsewhere, he preferred a federal union to no union at all.

Union or federation.

A plan of federation had this in its favour, that it gave room for the free recognition of the principle of representation by population, so far as the popular Assembly was concerned. By it the grievance of Upper Canada would be remedied without Lower Canada considering that it had received a wrong. The Upper House, after the example of the American Senate, gave opportunity to embody the principle of provincial equality. It is perhaps in this respect that the scheme of confederation proved the weakest. Successive Ministries have perhaps not risen above the temptation of regarding the Senate from the point of view of party interests, and thus it has never been able to take that independent and leading line which a system of federation would seem to facilitate. Although, he admitted, the elective principle had

Details of proposals.

---

[1] Pope, J., *op. cit.* vol. i, p. 269.

since 1856 worked well in the constitution of the Canadian Legislative Council, Macdonald was in favour of returning to the old system of members nominated by the Crown; so as to make the Canadian Constitution, in the words of Lieutenant-Governor Simcoe, 'a perfect image and transcript of the British'.[1] But it may be doubted whether the present Canadian Senate is, in spirit or character, much more like the British House of Lords than was the former Legislative Council.

Though there was agreement on the general principle of federation, the task of settling details was by no means easy. The main lions in the path were the apportionment of financial liabilities between the different provinces, and the distribution of their respective powers between the central and the local Legislatures. At last, however, agreement was arrived at, and the conclusions of the Quebec Conference were embodied in seventy-two resolutions, which were adopted unanimously.

Approval in England.

The resolutions of the Quebec Conference were forwarded to London by the Governor-General, and Brown visited England to sound the Imperial Government on the scheme of confederation. The British Government and public had been not a little displeased at the rejection by the Canadian Parliament of the Militia Bill of 1862, Great Britain having in North America responsibilities which it neither desired to repudiate nor to incur great expenditure in fulfilling. The federation of the British North American provinces pointed a way by which in the fullness of time, when its wealth and population had sufficiently increased, British America might be sufficient for its own defence. With this feeling in the air, Brown was naturally able to report that the scheme gave 'prodigious satisfaction'. 'The Ministry, the Conservatives, and the Manchester men are all delighted with it, and everything Canadian has gone up in public estimation immensely.' At the same time, Brown, who was as strong an imperialist as he was a Radical, regretfully noted that 'there is a manifest desire in almost every quarter that ere long the British American colonies should shift for themselves, and in some quarters evident regret that we did not declare at once for independence'. He added, however, his conviction that the feeling arose from the fear of invasion of Canada by the United States, and that it would soon pass away with the cause that excited it.[1]

---

[1] Letter to Duke of Portland, December 21, 1794.

Confederation Debates.

On February 6, 1865, Macdonald moved in the Canadian Assembly an address praying for a union under the terms adopted at the Quebec Conference. The resolutions were treated as in the nature of a treaty, and had to be swallowed in their entirety or not at all. In moving them, Macdonald again emphasized his preference for a legislative union, but both Lower Canada and the Maritime Provinces stood in the way. He was therefore forced to the conclusion that 'we must either abandon the idea of union altogether or devise a system of union in which the separate provincial organizations would be in some degree preserved'. With regard to the number of representatives in the House of Commons, Macdonald would have preferred a more numerous body, but the majority of the delegates had decided to begin with the number agreed upon, viz. 194. True to his respect for British precedents, Macdonald had been in favour of a septennial parliament; but here again he was overruled in favour of the New Zealand precedent of a five years' term. Not a single member of the Conference, either from Canada or from the Maritime Provinces, or belonging to the Government or to the Opposition side of the House, Macdonald explained exultingly, had been in favour of universal suffrage. Every one was agreed that in this respect the British Constitution should be carried out, and that classes and property should be represented, as well as numbers. The laws affecting the qualification of members and of voters prevailing in the different provinces were to remain in force till the Parliament of the Confederation, as one of its first duties, had considered and settled by an Act of its own the qualifications for the elective franchise which would apply to the whole Confederation.

---

[1] Letter of December 22, 1864. Pope, J., *op. cit.* vol. i, p. 273.

'If we wish,' he said, 'to be a great people; if we wish to form . . . a great nationality, commanding the respect of the world, able to hold our own against all opponents, and to defend those institutions we prize; if we wish to have one system of government, and to establish a commercial union with unrestricted free trade between people of the five provinces, belonging, as they do, to the same nation, obeying the same sovereign, owning the same allegiance, and being, for the most part, of the same blood and lineage; if we wish to be able to afford to each other the means of mutual defence and support against aggression and attack—this can only be obtained by a union of some kind between the weak and scattered boundaries composing the British North American provinces.'[1]

Opposition to measure.

The main burden of opposing confederation fell on Mr. Christopher Dunkin[2] and Mr. A. A. Dorion. The former, disclaiming cheap and easy generalities, applied himself to the manner in which the plan would probably work. Professing himself a Unionist, who did not desire to see Upper and Lower Canada disunited, he opposed the measure as one leading to a not distant disunion of those provinces from the British Empire. He disclaimed all fancy for republican forms or institutions, or indeed for revolutionary or political novelties of any sort. Mr. Dunkin urged with some reason that the question had been sprung upon the country in the nature of a surprise. In 1859 the child had been stillborn, and no one had troubled himself about its want of baptism. Whether for good or evil, whether wisely or unwisely, the fact was that the public mind had not been occupied in the least with the question of confederation. In so saying it would seem that Mr. Dunkin was in the right, and that the prevailing feeling on the question in the country was one of apathy. Sir Richard Cartwright, who, as a young man, took part in the confederation debates, said in his old age that the only thing about which his constituents were at all interested was the amount of the salary to be received by the Governor-General. Certain it is that the old parliamentary hands, who were pushing through confederation, did not care to have the question submitted to the arbitrament of a popular election. Another point, which undoubtedly told, was that the so-called treaty was made by parties who were never authorized to make any treaty at all. The scheme was everything for everybody. The Governor-General would hold his Court and Parliament at Ottawa; but a handsome sop was thrown to Quebec and Toronto also. They, too, were each to have a Provincial Court and Legislature and governmental departments. Dunkin paid a just tribute to the great men who had governed Canada in the past—Durham, Sydenham, Metcalfe, and Elgin—and doubted whether even a confederacy would be able to produce men of much higher mark. While recognizing freely that time has proved the falsity of Mr. Dunkin's general indictment of the policy of confederation, we must none the less allow that the 'pleasant ambiguities' which he criticized with so much force have made the British North American Act a fertile field for the labours of lawyers.

---

[1] *Confederation Debates.* Quebec, 1865, pp. 27–8.

[2] Mr. Dunkin's speech occupied two days, and will be found at pp. 482–512 and 512–44 of *Confederation Debates.*

Urgency of measure.

But assuredly the case for confederation was much more urgent than was admitted by its adversaries. Canadian 5 per cent. stock stood at 75 per hundred, and there were annual deficits in the revenue. The Grand Trunk railway, which had absorbed so much of the country's money, was in a desperate condition, and it seemed doubtful whether it might not have to be abandoned. The two sections of Canada were in practical isolation, and Upper Canada had little communication with the outside world, except

Necessity of federation.

through the United States. It is difficult indeed to imagine how the ultimate absorption of Upper Canada into the United States could have been avoided but for confederation. Moreover, there was nothing to be gained by waiting. 'The longer the colonies keep separate,' wrote George Monro Grant, a distinguished Nova Scotian, 'the greater will be the difficulties in arranging a union. The longer any state exists, the more do officials multiply, salaries increase, and bad feelings intensify. . . . It was the stern pressure of war that forced the States of America together. Cannot we profit by their experience and that of the whole past to effect a sounder union, when undistracted by oppression or war? Each year that passes by will make the task more difficult, and failure now, when the auguries are all bright, will make the boldest hereafter hesitate before trying against increased opposition.'[1]

Set-back in Maritime Provinces.

The Quebec resolutions were passed by the Canadian Legislature, after exhaustive debates, by large majorities, the figures in the House of Assembly being ninety-one against thirty-three. A check, however, was given to the movement by the result of the general election in New Brunswick, by which the Government, which had favoured confederation, was placed in a minority. In spite of this set-back, the Canadian Government determined to send a mission to England to discuss the question of confederation, defence, and other subjects, such as commercial relations with the United States, and the settlement of the territories belonging to the Hudson's Bay Company. Meanwhile, as was natural, the success of the opponents of federation in New Brunswick gave encouragement to the opposition in the other Maritime Provinces. In Nova Scotia the great influence of Joseph Howe was thrown into the scale against the measure, and the Government, recognizing that it had become unpopular, owing to its action in introducing a system of rating for education purposes, was inclined to revert to the more modest scheme of a union confined to the Maritime Provinces. The Prince Edward Island Legislature openly repudiated the action of their delegates at the Quebec Conference; while Newfoundland at once took up the position of complete isolation, which it has since for the most part maintained. In 1868, indeed, the Government of the Colony submitted the question to the electors, but were crushingly defeated. In 1895 Newfoundland, under the pressure of bad times and bank failures, applied to join the Dominion, but Sir Mackenzie Bowell's administration, which was then in a moribund condition, squabbled over the amount of the debt which they would take over, and the opportunity was lost. But though in the Maritime Provinces the opposition was still strong, the Canadian delegates, Macdonald, Cartier, Brown, and Galt, received an undertaking from the home Government that every legitimate means would be taken to secure to the scheme the early assent of these Provinces, which was fulfilled by the Lieutenant-Governor, Sir Arthur Gordon, almost straining the Constitution to secure the agreement of New Brunswick. They also obtained a renewal of the promise of an imperial guarantee of a loan for the construction of the inter-colonial railway, the making of which appeared, in the eyes of many, one of the most important of the results which could follow confederation, and satisfactory assurances respecting the acquisition of the North-West Territories.

---

[1] *Life of G. M. Grant*, by W. L. Grant and F. Hamilton (1905), pp. 96–7.

Difficulties of Canadian Ministry.

The death of the Prime Minister, Sir Etienne Taché, in July, 1865, added to the complication of affairs, Brown being naturally unwilling to serve under Macdonald or Cartier. A compromise was arrived at by the appointment of Sir Narcisse Belleau; but the relations between Brown and Macdonald became more and more difficult, and the former resigned in the following December. Confederation, *Change of feeling in Maritime Provinces.*

we have seen, was the *raison d'être* of the coalition, but confederation was hung up by the action of the Maritime Provinces. At last the Nova Scotian Prime Minister, Dr. Charles Tupper, induced, in April, 1866, the majority of the House of Assembly to agree to the appointment of delegates to arrange with the Imperial Government a satisfactory scheme of union; and the New Brunswick Ministry resigned, having come to loggerheads with the Lieutenant-Governor. On a dissolution, Mr. S. L. Tilley, the chief supporter of confederation, obtained a large majority, and a resolution was carried in the Legislature similar to that adopted in Nova Scotia, making, however, the immediate construction of the inter-colonial railway a condition precedent to agreeing to any scheme. Already the delay in the Canadian Parliament was seriously exercising the Governor-General. Unless matters were hurried, he threatened to resign. Macdonald replied that, with respect to the best mode of dealing with the question, he must be allowed to judge. The delegates from the Maritime Provinces, who were on their way to England, were now also urging haste; but before they had started, a change of ministry in England caused a fresh delay. They none the less persisted in going, and were annoyed when their Canadian colleagues did not arrive. Macdonald, however, knew his own game. 'The measure,' he wrote, 'must be carried *per saltum*, and no echo of it must reverberate through the British provinces until it becomes law. . . . There will be few important clauses that will not offend some interest or individual, and its publication will excite a new and fierce agitation on this side of the Atlantic. . . . The Act once passed and without remedy, the people would soon learn to be reconciled to it.'[1]

Anxiety of Governor-General.

Proceedings in London.

On November 7, 1866, the Canadian delegates, consisting of Macdonald, Cartier, Howland, McDougall, Langevin, and Galt, sailed for England, and between the 4th and 24th of

---

[1] Letter to Mr. Tilley of October 8, 1866, Pope, *op. cit.* vol. i, p. 308.

December continuous sittings were held of the British North American delegates, in which resolutions were passed based on those of the Quebec Conference, and the subsequent action of the different Legislatures. These resolutions, being agreed upon, were transmitted to the Secretary of State. No minutes of the discussions were taken, but from memoranda in the possession of Macdonald's biographer and secretary, it would seem that there were seven successive drafts of the bill, drawn up by the members of the Conference and the imperial law officers.[1] Lord Blachford, the permanent Under-Secretary for the Colonies, who was no imperialist, and believed that the ultimate destiny of Canada was separation, bore witness to the extraordinary power of management and adroitness displayed by John A. Macdonald in the negotiations in London which preceded confederation. The French delegates were keenly on the watch for anything which weakened their securities, while those from Nova Scotia and New Brunswick were very jealous of any concessions to the French, but the genius and tact of Macdonald carried all before it.[2]

Macdonald on English apathy.

Although the delegates were in no way thwarted or opposed by the home Government, Macdonald was disappointed at the want of interest taken in their proceedings. He held that a great opportunity was lost at the time of confederation. The Union was treated by the Duke of Buckingham, who succeeded Lord Carnarvon at the Colonial Office, and by Lord Monck, the Governor-General, 'as if the British North America Act were a private bill uniting two or three English parishes. Had a different course been pursued—for instance, had United Canada been declared to be an auxiliary kingdom, as it was in the Canadian draft of the bill—I feel sure, almost, that the Australian colonies would, ere this, have been applying to be placed in the same rank as "the kingdom of Canada".'[1] In any case the British Government had no desire to make changes in a measure on which the colonies were agreed. The bill was finally enacted, and July 1, 1867, was proclaimed as the day for its coming into force. In accordance with the stipulation of New Brunswick, a bill guaranteeing £3,000,000 for the inter-colonial railway was also passed by the British Parliament.

---

[1] These drafts are published in *Confederation Documents*, by J. Pope, Toronto, 1895.

[2] *Letters of Lord Blachford.* Edited by G. E. Marindin. London, 1896, p. 301.

Enactment of British North America Act. And imperial guarantee for railways.

Constitution under Act.

Confederation being at last achieved, it remains to consider shortly the nature of the constitution thus set up. In the first place, it must be noted that the Canadian, like the Australian, Constitution is an amalgam of two very different systems. So far as it is a properly federal constitution, it is of necessity written, but so far as it aims at following the British precedent, it consists largely of unwritten conventions. Thus while the respective functions of the Dominion and Provincial Legislatures are set out in great minuteness, no attempt is made to crystallize by statutory enactment the flexible system of precedents and conventions, which make up the customary law of the British Constitution. No attempt is made to set forth the rules and maxims which govern the Cabinet. There is merely the underlying assumption that the Privy Council mentioned in the Act follows on the lines of our British Ministry. Neither with regard to the Dominion nor with regard to the provinces does the statute explain or justify responsible government. It starts from British precedents as the model, and only stereotypes the changes from such precedents, which were the inevitable outcome of different conditions.

The position of the provinces under the Act differs in important respects from that of the states under the American Union, and that of the states under the Australian Commonwealth. In the Confederation the provincial Governors are local officials appointed by the Dominion Ministry, and the Dominion Government has a power of disallowing provincial measures, which might involve a serious encroachment upon provincial rights as understood by the federal principle. The matter was made the more difficult by full responsible government, with all its concomitants, being set up in all the provinces. With regard to the provincial constitutions, the general conclusion appears to be that, so far as possible, the working principle of earlier separate constitutions was intended to be continued in the constitution of the separate provinces.

---

[1] *Memoirs of Sir John A. Macdonald*, by J. Pope, vol. i, pp. 312–13.

Effect of Act.

Contrast with American and Australian Constitutions.

Between the Canadian Constitution and that of the United States and of Australia there is on the surface the broad distinction that in the American and Australian constitutions the power of the Central Government is strictly limited to a specified list of subjects, the State Legislatures retaining the power over all other matters. But, though in the Canadian Constitution the Central Legislature was given more wide and general powers, it would seem that, whereas in the United States the tendency of late years has been for the central authority to gain in influence, in the Dominion, on the contrary, the trend both of public opinion and of recent decisions has been in favour of provincial claims. It must be remembered that in the Dominion each separate province forms a much greater proportion of the whole than can be the case among the forty-five United States. Further, the system of responsible government seems to give a driving force to political conviction, such as is seldom present where the executive and legislative powers are divided, and the office-holder in any case lives out the full term of office. Moreover, for many years the cause of provincial rights was stoutly maintained by the Liberal party, who were in a minority in the Dominion Legislature.

Not content with enumerating the subjects of which the Provincial Legislatures were to have the control, the Act, *Powers of Central and Provincial Legislature.*

after giving the Dominion Parliament power over all matters relating to 'the peace, order, and good government of Canada' not expressly assigned to the Provincial Legislatures, adopts the extraordinary course of setting out categorically, 'for greater certainty,' but not 'so as to restrict the generality of the foregoing terms', twenty-nine subjects on which the Dominion Parliament has exclusive powers. These are followed by sixteen others, over which the Provincial Legislatures are given authority. Unfortunately obscurity is occasioned by these subjects tending to overlap. The general intention appears to be, as interpreted by the Privy Council, that subjects which, from their nature, affect the interests of the whole Dominion, are assigned to the Dominion Parliament, while all matters of a local nature, affecting but one of the provinces, or a portion of a province, are within the control of the Provincial Legislature, unless excepted from this general rule by a special enactment. Within its own area the local legislature is supreme, and has the same authority as the Imperial Parliament or the Parliament of the Dominion. Notwithstanding the endeavour to give pre-eminence to the Dominion Parliament in case of a conflict of powers, it is obvious that in some instances, where this apparent conflict exists, the Legislature could not have intended that the powers exclusively assigned to the Provincial Legislature should be absorbed in those given to the Dominion Parliament.[1] In this state of things, in particular cases the Act has proved most difficult of interpretation, and the judges have shown reluctance to go beyond the particular facts before them.

Provisions as to taxation.

Of special difficulty are the provisions with regard to taxation. On the one hand, the Dominion has exclusive legislative power over 'the raising of money by any system of taxation'. On the other, the provinces have exclusive power regarding direct taxation within the province for the raising of a provincial revenue. It would have been easier and more intelligible to say that the Dominion Parliament could tax for general purposes, and that the Provincial Legislatures could tax for provincial purposes; but that they could not interfere with the prerogative of the Dominion Parliament to impose customs duties. By these means the legal subtleties which envelop the sections would have been avoided.

---

[1] See *Citizens and Queen Ins. Cos.* v. *Parsons*, Cartwright; cases under the B. N. A. Act, vol. i, p. 271, and *Hodge* v. *The Queen*, 9 Appeal Cases, p. 117.

Supreme Court for Canada.

Power was given to the Dominion Parliament to provide for the establishment of a general Court of Appeal for Canada, an institution which seemed the natural corollary of an Act setting up a federal constitution of a very complicated character, and which the high character and distinguished ability of the Canadian judges made easy to set on foot. It was not, however, till 1875 that such a Court of Appeal was established. It is a curious instance of the fallibility of human judgements that the authors of the British North America Act appear to have believed that the extreme particularity with which they had set out the respective functions of the Dominion and Provincial Legislatures would obviate the need of resort to legal tribunals. At first sight, in the neglect to supply a federal court to deal with federal matters, the Canadian Constitution seemed to compare unfavourably with the American; but it must be remembered that the Dominion was not an independent nation, and that the Privy Council in London fulfilled the functions of the United States Supreme Court. When the legal history of the Dominion is written, it will perhaps be found that Lord Watson played in the interpretation of the Canadian Constitution, to some extent, the part played in the United States by Chief Justice Marshall.

Representation of Provinces in House of Commons.

It has been already explained that the scheme of confederation proposed representation by population so far as the House of Commons was concerned. The manner in which this object was attained was by making sixty-five the fixed number of representatives for the province of Quebec, and varying the number assigned to the other provinces according to the proportion in which their population should stand to that of Quebec at each decennial census. In the first Parliament Ontario had eighty-two members, Nova Scotia nineteen, and New Brunswick fifteen. At the time of the census of 1871 the population of Ontario was 1,620,851, that of Quebec 1,191,516, that of Nova Scotia 387,800, and that of New Brunswick 285,594. The Senate was to consist of seventy-two members—twenty-four for Quebec, twenty-four for Ontario, and twenty-four for the Maritime Provinces.

Constitution of Senate.

Power was given to admit Newfoundland, Prince Edward Island, and British Columbia into the Union, and also Rupert's Land and the North-West Territory. In case of the admission of Newfoundland and Prince Edward Island, they should be entitled to four senators each; but those assigned to Prince Edward Island were to be taken from the number assigned to Nova Scotia and New Brunswick.

Opposition to Confederation in Nova Scotia.

But though the British North America Act had been passed and the action of the proposers of confederation endorsed at a general election by the people of Canada and New Brunswick, the ship of confederation was not yet out of rough waters. In Nova Scotia the result of the election was the triumph of its opponents, only one member who was in favour of confederation being returned out of nineteen. An agitation was set on foot to obtain the repeal of the Act, and a delegation was sent to England, of which Joseph Howe was the most distinguished member. Confederation seemed hostile to the interests of the powerful mercantile community of Halifax, and therefore it was opposed by many who were generally on the side of the British connexion. Howe was not against union, as such, but he held that the British North America Act sacrificed the interests of Nova Scotia, and he was indignant at its enactment without the people having been first consulted. He ridiculed the notion of Canadian patriotism. London he held to be the natural home of Colonial affections. 'With such a capital as this we need not seek for another in the backwoods of Canada, and we may be pardoned if we prefer London under the dominion of John Bull to Ottawa under the dominion of Jack Frost.' In spite of feeling in Nova Scotia, Howe soon recognized that nothing was to be done with the home authorities; though he received the support of John Bright. Liberals and Conservatives in England were alike in favour of confederation, and were naturally not inclined to allow Nova Scotia to dismember a union into which she had so recently entered. Meanwhile the material interests of the province were suffering from the attitude of isolation taken up by its representatives in the Dominion House of Commons and by their consequent exclusion from all share in the Central Government.

The violence of language of the extreme party in Nova Scotia was increasing, and men openly spoke of exchanging British for American allegiance. The repealers were becoming annexationists. Men seriously doubted whether there was enough public spirit in the new Dominion to make such sacrifices as would encourage and develop provincial resources and foster inter-provincial trade, and the temptation of the huge rich American market was hard to resist. But, though some taint of egoism may have entered into Howe's opposition to confederation, where loyalty to British connexion was involved, his reputation at least stood clear. When the 'much-devising' Canadian Prime Minister recognized that the moment had come to detach Howe from the Opposition, the latter was persuaded to enter into negotiations with the Dominion Government, thereby obtaining better financial terms for Nova Scotia. Matters being thus settled, Howe became a member of the Dominion Ministry in January, 1869, to the disgust of his old associates, but to the advantage of the British Empire. The remaining Maritime Province, Prince Edward Island, did not follow the example of its neighbours until 1873, when financial considerations compelled it to join the Confederation. The realization of the wider ends aimed at by the framers of the Act of 1867, viz. the entrance by Canada upon the heritage of the West, belongs to another chapter, though we may here note that confederation was the *sine qua non* to its accomplishment.

Prince Edward Island joins Confederation.

Question of reciprocity with United States.

The question of confederation has been dealt with as far as the inclusion of the old separate provinces, but in following its course some other events have been omitted. Lord Elgin's reciprocity treaty expired in 1866, and the Canadian Government were anxious to find out what chance there was of its renewal by the United States. At the suggestion of the Colonial Secretary, a body, termed the Confederate Council of the British North America Colonies, met at Quebec, in September 1865, for the consideration of the question of commercial treaties. This Council was of opinion that the existing treaty with the United States was acceptable, and that its renewal would be for the advantage of the respective provinces. In the event of the Americans refusing to renew the treaty, the Council urged that all the British colonies should combine cordially together in commercial matters, and adopt such a common commercial policy as would best advance the interests of the whole. Efforts at negotiations were made by Canadian ministers at Washington, but they proved unsuccessful; the United States finally denounced the Reciprocity Treaty, and abortive attacks by Fenians upon the Canadian frontier, in the spring of 1866, did not serve to make easier the relations between the two countries. The end of the American Civil War had caused the disbandment of a number of Irish adventurers, and these sought an outlet for their energies in an invasion of Canada. At the close of May, 1866, about 1,500 Fenians crossed the Niagara river by Buffalo from the State of New York, and

Fenian raid.

landed at the site of Fort Erie. The indiscretion of a militia colonel gave them some short-lived success, but upon the approach of a British battalion they sought refuge on an American gunboat; and the establishment of a camp in the Niagara peninsula prevented any renewal of such attacks.

Inter-colonial railway.

It has been seen that the making of the inter-colonial railway was one of the main motives at work urging men to accept confederation. The negotiations with regard to the line between Halifax and Quebec had broken down in 1863, though the importance of railway communication was generally recognized. As long before as 1851, Howe had said, 'God has planted your country in the front of this boundless region; see that you comprehend its destiny and resources—see that you discharge with energy and elevation of soul the duties which devolve upon you in virtue of your position. . . . I am neither a prophet nor a son of a prophet, but yet I will venture to predict that in five years we shall make the journey hence to Quebec and Montreal and hence through Portland and St. John by rail; and I believe that many in this room will live to hear the whistle of the steam-engine in the passes of the Rocky Mountains and to make the journey from Halifax to the Pacific in five or six days.'[1]

Scheme for transcontinental post and telegraph service.

A further scheme in 1862 to carry postal and telegraphic communication across the continent fell through, the Canadian Government considering that the work was of such special imperial importance as to require an imperial subsidy and guarantee, while the British authorities maintained that the proposed line would be of comparatively small value to the Imperial Government, in the absence of a transatlantic submarine telegraph. From every side it was apparent that it was necessary British North America should be united, before she could obtain the development of her vast resources.

---

[1] *Letters and Speeches*, vol. ii, pp. 58-77.

AUTHORITIES

For the text of the British North America Act, 1867, and the Quebec Conference Resolutions, 1864, see Houston, *op. cit.*

The resolutions of the London Conference, 1866, are in Pope, *op. cit.* vol. i, Appendix xiv. The ministerial explanations of June 22, 1864, are set out in same volume, Appendix v. Chapters xiii and xiv deal with 'the Coalition of 1864' and 'Confederation'. See also Mackenzie, *op. cit.*

Confederation of Canada. By J. H. Gray (one of the delegates) (only the first volume was completed). Toronto, 1872.

Confederation Debates. Quebec, 1865.

Confederation Documents. By J. Pope. Toronto, 1895.

Parliamentary Procedure and Practice. By J. G. Bourinot. Second Ed., Introd. 1892.

Law of Legislative Power in Canada. By A. H. F. Lefroy. Toronto, 1897–8.

Cases on the British North America Act. By J. R. Cartwright. 4 vols. Toronto, 1882–92.

Memories of Confederation. By Sir R. Cartwright. 1906.

CHAPTER VII

THE DEVELOPMENT OF THE WEST

The development of the North-West and Confederation.

We have traced the history of Canada till the time was ripe for it to enter into the full heritage of British North America; but we have yet to explain briefly the steps by which such a development became possible. The beginnings of Manitoba have been already noted, and the rough and ready methods employed by the North-West Company to prevent further trespass upon its valuable fur trade. The Red River Settlement did not entirely perish; but, after Lord Selkirk's interests had been acquired by the Hudson's Bay Company, in 1834, that company was hardly administered in such a fashion as to encourage further colonization. At the same time, as Lord Strathcona has pointed out, 'the acquisition and development of the Hudson's Bay territory was impossible prior to the confederation of the Dominion. No less a body than United Canada could have acquired and administered so large a domain, or have undertaken the construction of railways, without which its development could only have been slow and uncertain'.[1]

But in other ways the whole question of the western territories was coming to the fore. We have seen the manner in which the boundary question was dealt with under the London Convention of 1818 up to the Rocky Mountains. There still, however, remained the question of the vast tract beyond those mountains. This was known at the time

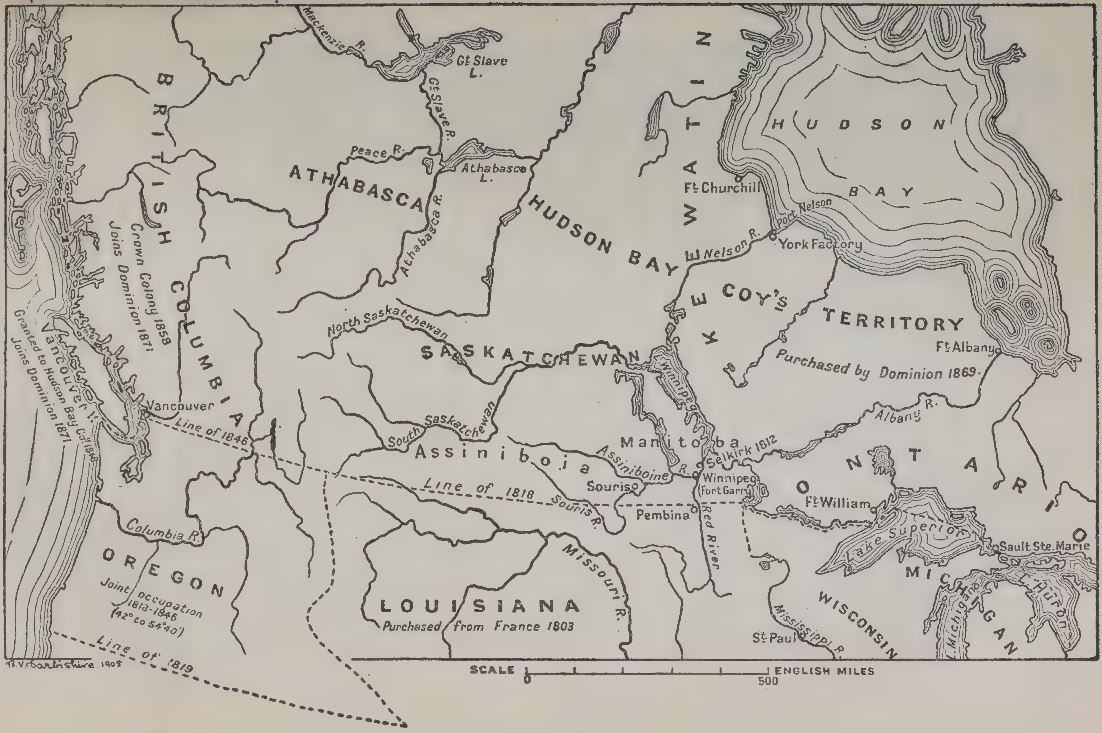
---

[1] Preface by Lord Strathcona to *The Selkirk Settlers in Real Life.* By R. G. Macbeth.

Dispute with regard to Oregon territory.

as the Oregon territory, and comprised what is now British Columbia, and the American States of Washington, Oregon, and Idaho; its area being in all some six hundred thousand square miles. The whole of this territory, lying between 42° parallel of north latitude on the south and 54° 40″ on the north, was claimed by the United States. This claim was based partly on Spanish rights, to which the Americans had succeeded, partly on the Louisiana purchase, and partly on the fact of prior discovery. But the claim to take under the Louisiana purchase has been abandoned by the best American authorities, while the recognition by Spain in 1790 of British rights at Nootka Sound made it difficult to maintain the American contention merely on the ground of succession to Spanish rights. The British claim was based on the explorations made by Cook in his third voyage to the Pacific, of which the settlement at Nootka Sound, begun in 1788, was the direct consequence. But from this date the explorations of the two Powers went on *pari passu*. In 1792 an American, Captain Robert Gray, entered and explored the great river which he named the Columbia; while in the following year explorations along the coast were carried on by Vancouver in the British interest; and, as we have seen, Alexander Mackenzie crossed the continent from the east, exploring the country to the north of the Columbia river. But the Americans were not to be left behind, and the subject of western development appeared so important to the President, Thomas Jefferson, that he employed Lewis and Clark on their memorable expedition of 1804, in which, having traversed the country west of the Mississippi, they finally entered the main branch of the Columbia, and descended the river to its mouth. In 1811, an American, J. J. Astor, formed a fur-trading settlement at Astoria, at the mouth of the Columbia river, which was afterward purchased by the North-West Company, so that the British were in control of the avenues of trade

Map to illustrate Western Development.


HUDSON BAY
KEEWATIN
Ft. Churchill
Port Nelson
York Factory
Nelson R.
HUDSON BAY COY'S TERRITORY
Purchased by Dominion 1869.
Ft. Albany
Albany R.
Gt. Slave L.
Gt. Slave R.
Mackenzie R.
Peace R.
Athabasca L.
Athabasca R.
ATHABASCA
BRITISH COLUMBIA
Crown Colony 1858
Joins Dominion 1871
Vancouver
Vancouver I.
Granted to Hudson Bay Coy. 1848
Joins Dominion 1871
Line of 1846
North Saskatchewan
SASKATCHEWAN
South Saskatchewan
Winnipeg
Manitoba
Selkirk 1812
Assiniboia
Assiniboine R.
Winnipeg (Fort Garry)
Souris
Souris R.
Pembina
Red River
Line of 1818
ONTARIO
Ft. William
Lake Superior
Sault Ste. Marie
L. Huron
L. Michigan
MICHIGAN
WISCONSIN
Mississippi R.
St. Paul
Missouri R.
LOUISIANA
Purchased from France 1803
Columbia R.
OREGON
Joint occupation 1818-1846 (42° to 54°40')
Line of 1819
B.V. Darbishire 1908
SCALE
0
500
ENGLISH MILES

between the Rocky Mountains and the Pacific. The amalgamation of the North-West and Hudson's Bay companies, in 1821, gave the opportunity for a forward policy, and new head quarters were established in 1825 at Fort Vancouver. Dr. John MacLoughlin, who remained in charge of the fort for twenty-two years, made it a business centre of some importance. As many as thirty thousand beaver skins, valued at some two hundred and fifty thousand dollars, were received at Fort Vancouver during a single year. The monopoly secured by the Hudson's Bay Company had soon, however, to meet a formidable competitor. The Americans still claimed the country as of right and by virtue of prior discovery; and the British so far allowed the contention as to permit the American flag to be run up at Astoria in 1818. In the negotiations of that year, the Americans proposed that the boundary line of 49° should be extended to the Pacific Ocean. The British Commissioners objected to this, and finally a provision was accepted by both parties for the joint occupation of the Oregon country for a term of ten years. After the treaty with Spain of 1819, the tendency was for the United States to become more exacting in their demands, although at any time a distinct offer to recognize 49° as the boundary would probably have been accepted by them. Negotiations with a view to a settlement came to nothing; but a Convention was concluded in 1827, which indefinitely extended the joint occupation, subject to its termination by twelve months' notice on either side. So difficult was the question that the Ashburton Treaty of 1842 did not attempt to deal with it. Negotiations in 1844 were not more successful, and the Americans refused to submit the question to arbitration.

Aggravation of difficulties.

In 1843 a great influx of Americans into the country altered entirely the complexion of affairs. A provisional government was established 'until such time as the United States of America exert their jurisdiction over us'. By the

American influx.

end of 1845 the population was about 6,000, settled in six counties, of which all but one were in the Willamette Valley. The sixth county was situate north of the Columbia river on Puget Sound. In this state of things the sympathies of the American people were inevitably enlisted on behalf of their western kinsfolk. It was proposed in Congress to enact a territorial government, without defining the extent of such territory. As early as 1844 the democratic convention had adopted a declaration popularly understood as meaning 'fifty-four forty' (i. e. the boundary of the Russian possessions) 'or fight'. The title of the United States to the whole of the territory of Oregon was declared to be clear and unquestionable. In spite, however, of strong words, used by the party and their President, Polk, the democrats were not desirous of war with England, and were not very keen on behalf of the organization of a territory which might strengthen the hands of the Anti-Slavery party. Accordingly, President Polk, in deference to the action of his predecessors regarding the parallel of forty-nine degrees, made yet another attempt at settlement. Mr. Buchanan, however, the American Secretary of State, and Mr. Pakenham, the British Minister, were unable to come to terms in 1845, and in December Polk recommended that the notice required by the Treaty of 1827 for the termination of the joint agreement should be given; after which time it would be necessary to decide whether the national rights in Oregon were to be abandoned or firmly maintained. 'That they cannot be abandoned,' he added, 'without a sacrifice both of national honour and interest is too clear to admit of doubt.' At the same time neither power really wanted war, and when the choice at last seemed to be between war and a settlement, a basis of agreement was arrived at. By the Washington Treaty of June 15, 1846, the boundary line was continued westward along the forty-ninth parallel of north latitude to the middle of the channel which separates the continent from Vancouver

Settlement of dispute.

Island, and thence southerly through the middle of the said channel and of Fuca's Straits to the Pacific Ocean. The navigation of the channels and straits south of the forty-ninth parallel was left free and open to both nations, and the navigation of the Columbia river from the point where the forty-ninth parallel intersects the great northern branch was left open to the Hudson's Bay Company and all British subjects trading with it. By this treaty Great Britain abandoned its claim to the line of the Columbia river, and the United States modified its proposal of the forty-ninth parallel so far as to bring the whole of Vancouver Island within the British possessions. The provisions contained within them a plenteous store of misunderstanding with regard to the exact line of the water boundary; but they settled the main subject in question by apportioning to Great Britain the territory which became British Columbia and Vancouver Island, and to the United States the future states of Washington, Oregon, and Idaho.

Vancouver Island.

Vancouver Island was granted to the Hudson's Bay Company in 1848; but though it possessed an admirable climate and was well adapted to agricultural settlement, it made for years slow progress. It must be admitted that the Hudson's Bay Company, however much its dealings with the Indians are worthy of praise, was not in favour of promoting colonization. It knew very well that before the advance of man the wild game, which were the source of its profits, would die out, and it was natural enough that it should prefer its own interests rather than those of the country at large. Moreover the few colonists in Vancouver Island were in a state of grumbling discontent, and it was alleged that the judge, who should have protected their interests, was a mere creature of the company, without legal knowledge, and occupying the position of a retired linendraper. The unsatisfactory character of the situation was freely admitted by Mr. Edward Ellice ('Bear' Ellice, one of the pillars of

Ellice on the future of the Island.

the Company, whom in different connexions we often encounter in the pages of Canadian history). The home Government had enforced the rule that land must be sold at twenty shillings an acre, and had decided that, inasmuch as some kind of taxation was necessary, an elected legislature must be set on foot. In this state of things Ellice told the House of Commons Committee, which dealt in 1857 with the affairs of the Hudson's Bay Company, that an assembly representative of the colonists would inevitably find itself at issue with the monopoly enjoyed by the Hudson's Bay Company. He admitted that Vancouver Island had been a failure in the hands of the Company, for the reason that there had been no means to apply to its development. Even as things were, some £80,000 had been spent in sending out settlers and miners to work the coal mines. Everything hitherto had been outlay, and there had been no return; the limit had now been reached, and it was necessary that the whole subject of Vancouver Island should be considered from the public point of view. Ellice added that, 'in all the accounts we hear of it, it is a kind of England attached to the Continent of America.'

Position of Red River Settlement.

But while there was a consensus of opinion as to the possibilities of Vancouver Island, deep darkness still hung over the future of the great western territories of the continent. Up to the year 1857 the Red River Settlement remained the only colony west of Upper Canada in some measure independent of the fur trade; and though that settlement continued to exist, it remained stagnant, and showed no signs of its great future. In 1857 the population was a little over 6,000, composed as to its larger half of French Canadians and half-breeds, the children of French Canadians by Indian mothers, the rest being descendants of Selkirk's pioneers, along with some English half-breeds. The evidence before the 1857 Committee, with regard to the capacities of the soil, though there were even then some of clearer vision, was upon the whole a remarkable instance of the fallibility of human judgement. Sir George Simpson, the illustrious Governor of the Hudson's Bay Company, who left so lasting a mark on that Company's history, did not consider that any part of its vast territories was well adapted for settlement; the crops everywhere were very uncertain, and the coast opposite Vancouver Island was wholly unfit for colonization. Very seldom had the Company been able to raise wheat in the Saskatchewan district.

It is true that the value of Simpson's evidence was somewhat discounted by his having expressed directly opposite views in a published book. In the same spirit a scientific soldier, Colonel Lefroy, hazarded the confident opinion that 'agricultural settlement can make but very slender progress in any portion of that region', and Ellice was no less confident in the same sense. On the other hand, there was much evidence to the effect that what was at fault was not the soil, but the system under which men worked. A petition from the inhabitants declared that the lands were fertile and easy to cultivate, but that the exclusive system of the Hudson's Bay Company effectually prevented the tiller of the soil, as well as the adventurer in any other industrial pursuit, from devoting his energies to those labours which contributed both to the private and to the public advantage. There had been great excitement in 1849 owing to the prevalence of illicit trading, and the steps taken by the Company to put an end to it; and though matters had improved, there was still throughout the settlement mutual suspicion and distrust, and it would have been no easy matter to find men willing to give evidence on behalf of the Company against the interests of their neighbours. At the same time, though it was the holder of a monopoly which was a grievance to all, the position of the Company was not really strong. It had no armed forces to protect its interests, and sundry attempts made to introduce military pensioners as colonists for the purpose had met with very trifling success. The primitive mode of administering justice which was in force was singularly unsuited to the needs of a civilized community. Colonel Caldwell, who had acted for some years as Governor of Assiniboia, the name given to the settlement, showed by his evidence that he had the haziest notion of the respective positions of the Governor and of the Recorder in legal matters. When the Recorder was removed, with the object of conciliating the settlers, he was still retained as Clerk of the Court, from which point of vantage he emerged to act as judge in a particular case in which the Hudson's Bay Company was especially interested. There was without doubt some ground for censorial critics, such as the sharp-tongued Mr. John Roebuck. There was another danger in the present situation, apart from any wrongs suffered by the colonists at the hands of the Company. It was not improbable that at any moment American immigration from Minnesota might precipitate a crisis, when a republic might be proclaimed, which would then attach itself to the United States.

On several grounds the question of these western territories was of importance to Canada. It was in the first place beginning to be recognized that an outlet for surplus population would be some day desirable, though the circumstances of Upper Canada were such as to make the question as yet of a more or less remote interest. Still on political grounds it was already recognized that it would be a great misfortune to Canada if new American western states should stifle its expansion towards the Pacific. The more prescient were beginning to see that British North America, for its full development, must extend from ocean to ocean. 'I hope you will not laugh at me as a visionary,' said Chief Justice Draper, who attended the 1857 Committee on behalf of Canadian interests, 'but I hope to see the time, or that my children may live to see the time, when there is a railway going all across the country and ending at the Pacific.' But

Position of Hudson's Bay Company.

if these hopes were to be realized, it was necessary that no excuse should be given to foreign trespassers. The general opinion in Canada was that the monopoly exercised by the Hudson's Bay Company was illegal and ought to be repudiated. It was practically impossible, however, after the position of the Company had been repeatedly sanctioned by Acts of the Crown and of Parliament for nearly two hundred years, suddenly to turn round and deny its rights; and the English law officers gave strongly expressed opinions to this effect. But there was the further question, which was of much more doubtful character, what were the exact boundaries between Canada and the Hudson's Bay Company? and it was suggested that this question might be referred to the Privy Council. On the one hand there had always been shadowy claims to the west made on behalf of the French Crown, and French hunters and explorers had often penetrated beyond the limits of what afterwards became Upper Canada. Nevertheless, no definition of Canada, by treaty or otherwise, had included within it the western lands, and the greater portion of them, at any rate, seemed to fall within the terms of the grant to the Hudson's Bay Company. Moreover, the validity of the grant made by the Company to Selkirk had never been questioned, and value had been received by Selkirk's heirs, on the repurchase of the settlement by the Hudson's Bay Company. The matter never came to a legal decision; but it seems likely that, in such an event, the contention of the Hudson's Bay Company would have been upheld by the Privy Council.

Recommendation of House of Commons Committee of 1857.

The general conclusion of the 1857 Committee steered clear of these pitfalls, and suggested a friendly arrangement, the report contenting itself with the opinion that the districts on the Red and Saskatchewan rivers were among those likely to be required for early settlement, and the pious hope that there would be no difficulty in affecting an arrangement between the Crown and the Hudson's Bay Company by which those districts might be ceded to Canada on equitable principles. An amendment proposed by Mr. Gladstone, to deal with the Company in a more summary fashion, by demarcating at once and freeing from its control the lands suitable for settlement, was only lost by the casting vote of the chairman. The report further recommended the termination of the connexion of Vancouver Island with the Hudson's Bay Company, and that means should also be taken for the ultimate extension of the colony over any portions of the adjacent continent to the west of the Rocky Mountains on which permanent settlements might be found practicable.

British Columbia.

But while the Committee was sitting, events were moving rapidly in what was afterwards named British Columbia.[1] Gold was discovered in the bed of the Fraser river in 1856, and from the time of that discovery for some years there was a constant stream of immigration. The Hudson's Bay Company had taken a lease of the lands west of the Rocky Mountains, which was still in force, and their chief factor, Mr. James Douglas, who was also Governor of Vancouver Island, became responsible for the peace of the district. Fortunately, in a position of great difficulty, he exercised his double functions with singular discretion and wisdom. Still it was generally recognized that in the changed circumstances it was impossible that the monopoly of the Hudson's Bay Company should continue, or that the administration either of Vancouver Island or of the mainland opposite should remain in the hands of an employé of the Company. Mr. Douglas was appointed to the post of Governor for the Crown, on condition that he severed his connexion with the Company. Sir Edward Bulwer Lytton, the Colonial Secretary, whose mind naturally delighted in so romantic a situation, wrote on July 31, 1858, that British Columbia stood on a different footing from most other colonial possessions. It combined 'in a remarkable degree the advantage of fertile lands, fine timber, adjacent harbours and rivers, together with rich mineral products. These last, which have led to the large immigration of which all accounts speak, furnish the Government with the means of raising a revenue which will at once defray the expense of an establishment.' Douglas was enjoined to seek by all legitimate means to secure the confidence and goodwill of the immigrants, and to exhibit no jealousy of Americans or other foreigners who might enter the country. He was to remember that the colony was destined for free institutions at the earliest possible moment, and a council of advice might at once be formed from amongst the immigrants, both British and foreign. As soon as a permanent population, however small, was established on the soil, an assembly should be organized; meanwhile some kind of temporary council might be devised. The Governor was given a free hand in the disposal of land for agricultural settlement, and foreigners were allowed to take up land and secure a good title to it by being naturalized within three years. Douglas proved an admirable instrument for the liberal and wise policy of the home Government; and by his behaviour towards the gold-miners, won their respect and confidence. The commission formally appointing him as Lieutenant-Governor arrived in November, 1858, and British Columbia started on its life as a Crown colony.

---

[1] The name was suggested by Queen Victoria—see letter of July 24, 1858—*The Letters of Queen Victoria*, vol. iii, p. 376.

Liberal measures.

Diversity of interests of Vancouver Island and British Columbia.

A legislature had been already set on foot in Vancouver Island in 1856, and though the qualification for voters was high and the number of possible candidates was small, still a start was made upon the road of self-government. It was unfortunate that the interests of Vancouver Island and of British Columbia seemed so diverse as for the time to bar their being joined under one government. The interests of Vancouver Island were in the direction of free trade. The development of the natural advantages of Victoria, its chief town, by making it a free port for the trade of the country round, appeared the path of wisdom; and with this end in view the public revenue was almost wholly derived from taxes levied directly on persons, professions, trades, and real estate. The position of British Columbia was altogether different. There the miners would never tolerate high direct taxation; but, by means of duties on imports, a substantial revenue might be obtained, by which means the great internal resources of the country would be developed. There was no other way of obtaining the roads, which were necessary, if the country was to be opened up.

Demand for popular government.

In spite of the good sense and wisdom displayed by Douglas, it was inevitable, where Englishmen foregathered, that a demand for popular government should arise, and as early as 1861 an agitation began with this object. That the Governor resided in Vancouver Island was a matter of complaint, and that island was generally viewed with great jealousy. British Columbia had been administered under a temporary Act, which expired in 1863. It was proposed to continue it for another year and to issue an Order in Council constituting a Legislative Council. By these means the way might be prepared for the introduction of the representative system. The Colonial Secretary, the Duke of Newcastle, had himself been strongly in favour of uniting British Columbia and Vancouver Island, but he recognized that the prevailing feeling was for the present strongly opposed to such union, and, in deference to that feeling, he agreed that the two colonies should be under different governors. The difficulties in the way of the introduction of full representative government into British Columbia appeared still to be great. The fixed population was not yet large enough to form a sufficient and sound basis of representation, the migratory element far exceeding the permanent white residents, and the Indians far outnumbering both combined. Gold was still the only product of the colony, extracted, to a great extent, by an annual influx of foreigners. There were scarcely any landed proprietors and not many tradesmen; and of these the great majority had no leisure to give to politics, and were scattered at a distance from the centre of government and from each other. In these circumstances representative government would either mean government by a small oligarchy—naturally occupied with their own personal, local, or class interests—or else government by a body of transient foreigners, who had no permanent interest in the prosperity of the colony. At the same time a system of virtual, though imperfect, representation was to be at once introduced, which might enable the Government to find out the wants and disposition of the community with a view to the more formal and complete establishment of a representative system whenever circumstances might make it possible.

Movement in favour of union of the two Colonies.

The decision still further to keep separate the two colonies had hardly been taken when a serious movement in favour of union began in both. The Vancouver Legislative Assembly pronounced in the beginning of 1865 in favour of unconditional union; and though the new Governor of British Columbia was opposed to it, there was in the colony a considerable body of opinion favourable to such union, as an indispensable requisite for the progress and prosperity of both colonies; the colonies were therefore united by an Imperial Act in 1866. It was this more enlightened and wider outlook which brought about the new departure which ended in the consolidation of the Dominion.

Reorganization of Hudson's Bay Company.

Meanwhile, returning to the country immediately within the control of the Hudson's Bay Company, we may note that although the scheme for a transcontinental telegraph came to nothing for the time in 1863, the negotiations with regard to it were of importance as leading to the sale by the old Hudson's Bay Company of all their rights to a new company, which looked with a more favourable eye on colonization and settlement. The price paid was £1,500,000, and the new Governor was Sir Edmund Head, whose recent connexion with the Government of Canada emphasized the imperial aspect of the new policy. An active railway director, Mr. Edward Watkin, whose connexion with the South-Eastern and Metropolitan railways made his name at a later date a household word among Englishmen, was invited in 1863 to proceed to the Red River Settlement for the purpose of reporting on its state and condition, and on that of the adjoining territory, the prospect of settlement therein, and the possibility of starting a telegraph line across the southern portion of Rupert's Land. Mr. Watkin found that, although the government of the Red River Settlement had had few faults and many excellencies, and had been marked by a generous policy, it had been, and was still, in many instances, open to suspicion because of the double character held by the Hudson's Bay Company. The same power which acted as merchant, store-dealer, carrier, and universal provider, also appointed the Governor and assistants, selected magistrates, placed judges on the bench, and administered the law, even in cases where its own interests and those of rival trade competitors were concerned. Such a state of things was on principle unsound, and should in any case be only temporary till something better could be devised. Nor could it continue when once the country was thrown open to settlement, unless the Government was furnished with a military force to protect its interests. Government of Indians was one thing; government of a large and expanding colony of free white men was quite another. If the Hudson's Bay Company was relieved of the administration, the alternatives were either to annex the country to Canada or else to set up a new Crown colony. Or, again, a middle course might be taken and the district be separately administered by the Crown, while for certain purposes it became federated with Canada—e. g. a customs union might in any case be established between them. At the time it seemed doubtful how far Canada was able or willing to assume responsibility for the North-

Anomalous position of Hudson's Bay Company.

West. Mr. Watkin recognized that at some period, near or distant, the British North America provinces between the Atlantic and the Pacific might be united in a federal or legislative union and thus become too great and strong for attack; but if this were so, it was most desirable that any arrangements made with regard to the North-West should facilitate and promote such a union, and not stand in its way. Thus disputes about customs duties should, if possible, be avoided by anticipation, and the constitution and powers of the new colony should foreshadow its connexion with the country to the east and to the west. Future isolation should be forbidden, while present autonomy was secured. Mr. Watkin considered that the best course available for the present was to erect a new Crown colony, partly federated with Canada, but not so as to affect the political balance of Upper and Lower Canada, and having a customs union with that colony. The prejudices of the past were now forgotten, and Governor Dallas, of the Hudson's Bay Company, admitted that a great portion of the territory west of Fort Garry (Winnipeg) was admirably adapted for settlement; but confederation had to come about before such development could take place. The Hudson's Bay Company was in no such hurry as was their active envoy, and his disappointment was great when he found that it was decided to postpone even the establishment of telegraphic and postal communication.

Mr. Watkin's recommendation.

Situation at Red River Settlement.

Meanwhile, in the Red River Settlement, matters were at a deadlock. Prisoners were forcibly rescued from gaol and remained at large, defying the authorities. The magistrates were with difficulty prevailed upon to continue to act. The Governor found himself in an impossible position, with all the responsibility and the semblance of authority, but unsupported, if not ignored, by the Crown. Dallas claimed, apparently with reason, that the unpopularity of the Company arose entirely from the system of government, and not from the personnel of its administrators. It is worth noting that he predicted in 1863 that there might be serious trouble hereafter with the Indians and half-breeds.

British Columbia and Confederation.

We have already noted the movement for union between Vancouver Island and British Columbia, and its accomplishment, but the question of a more far-reaching union was coming to the front. The Dominion had been born in 1867, and British Columbia was quick to recognize that only by becoming a member of the Canadian Confederation could it accomplish its destiny. In January, 1868, an unofficial memorial was presented to the Dominion Government which gave expression to the views dominant in both colonies. The terms of admission which, it was stated, would be acceptable, included the taking over by the Dominion of the provincial public debt, full provision for the cost of federal officers and services, the granting of favourable terms in the matter of finance, adequate representation in the Canadian Parliament, along with a provincial responsible government. The construction of a transcontinental waggon-road from Lake Superior to the point on the Lower Fraser river whence it was navigable, within a period of two years after joining the Confederation, was also made an essential condition. The Dominion Government, receiving no official communication from British Columbia with regard to confederation, forwarded the memorial and accompanying resolutions to the Secretary of State, asking him to instruct the provincial governor to move his legislature to further action. Meanwhile the Canadian Government was prepared to submit to Parliament a proposal for the admission of British Columbia into the Union, in the expectation that the Imperial Government would lose no time in transferring the intervening North-West Territory to the jurisdiction of the Canadian Government. The main obstacle to confederation had been the obstinate attitude of the Governor of British Columbia. His death in June, 1869, cleared the way to a settlement, his successor throwing his influence into the scale in favour of union. Resolutions having been carried in the British Columbia Legislature in favour of confederation, delegates were sent to Ottawa to arrange the terms on which British Columbia should enter the Dominion.

An important condition precedent to such union had now been fulfilled. Canada was at last master in her own house, and the future of the vast Western Territories secured for her own. We have seen the natural apprehensions which were aroused in Canada lest the great No Man's Land to the west should excite the cupidity of the United States.

Hudson's Bay Territory.

Thus we find John A. Macdonald writing in 1865, 'If Canada is to remain a country separate from the United States, it is of great importance that they should not get behind us by right or by force and intercept the route to the Pacific.' It is true that, as things were then, he considered that the country would be of no practical value to Canada. 'We have unoccupied land enough,' he said, 'to absorb the immigration for many years, and the opening up of the Saskatchewan would do to Canada what the prairie lands of Illinois are doing now—drain away our youth and strength.'[1] The question had, indeed, long engaged the attention of Canadian statesmen. George Brown especially, for many years, by tongue and by pen, had powerfully advocated westward extension through the acquisition of the Hudson's Bay Territories; but Lower Canada was for the most part either indifferent or hostile; indifferent as not seeking this outlet for her surplus population, or hostile as opposed to any encroachment upon the Roman Catholic half-breeds who formed the majority of the population of the Territory. As time went on the question became more pressing. 'The Hudson's Bay question,' Macdonald wrote in October, 1867, 'must soon be settled. The rapid march of events and the increase of population on this continent will compel England and Canada to come to some arrangement respecting this immense country.'[1] The influence of Ontario in the Dominion Cabinet was strong enough to secure the introduction of resolutions into the Canadian House of Commons, in December, 1867, urging the Crown to unite Rupert's Land and the North-Western Territory with Canada. These resolutions were moved by Mr. McDougall, whose reputation was to suffer some shipwreck in the carrying out of his own policy. By this time Sir John Macdonald had come to realize the full meaning of events. The Western country could only remain British by being included within the Dominion. To do nothing would mean that sooner or later a foreign power would appear to the west of Canada. If the country were offered as a free gift, who would hesitate to accept it? But why, then, should they be deterred by the Hudson's Bay bugbear of a claim, which, even if well-founded, might be disposed of for a moderate amount. If offered to the United States (who had recently purchased Alaska from Russia) they would be ready to pay for it an amount equal to four times the whole public debt of Canada. It was only the accident of the American Civil War that had given the Dominion the time to forestall its neighbour.

---

[1] Pope, J., *op. cit.* vol. ii, p. 43.

The Hudson's Bay Territory and the United States.

On the resolutions being sent to England, the law officers advised that the claims of the Hudson's Bay Company were good in law, and that an imperial Act would be necessary to secure possession for Canada. To allow of such an Act, a private arrangement was necessary between Canada and the Hudson's Bay Company. With this object Sir George Cartier and Mr. McDougall visited England in 1868, an imperial statute having been passed authorizing such agreement as might be arrived at. Although, as we have seen, the Hudson's Bay Company no longer took up an obstructive attitude, it proved by no means easy to effect a settlement. The Duke of Buckingham had been succeeded at the Colonial Office by Lord Granville, to whose tact and diplomacy the

Purchase of territory by Canada.

---

[1] Ibid.

final agreement was largely due. He brought the representatives of the rival interests to the Colonial Office, saw each in different rooms, going from one to the other, and finally succeeded in effecting a settlement of the question. Lord Kimberley had been the Governor of the Hudson's Bay Company, and on the very day that an agreement was arrived at he expressed his opinion to Lord Granville that there was very little chance of success.[1] The terms were that under this settlement the Hudson's Bay Company, in consideration of the sum of £300,000, should surrender their territorial interests in the North-West to the Crown, with the reservation of one-twentieth of the fertile belt bounded on the south by the United States boundary, on the west by the Rocky Mountains, on the north by the northern branch of the Saskatchewan river, and on the east by Lake Winnipeg, the Lake of the Woods and the waters connecting them. The Company was also to receive 45,000 acres adjacent to each of their trading posts. The agreement was accepted by the Canadian Parliament in June, 1869, and in November a deed of surrender to the Crown was duly signed by the Hudson's Bay Company. The Canadian Legislature had already passed an Act providing for the temporary government of Rupert's Land and the North-West Territories, when united with Canada, and Mr. McDougall had been appointed Lieutenant-Governor.

Subsequent difficulties.

It was unfortunate that, at the time of the transfer, the Governor under the Hudson's Bay Company, McTavish, was seriously ill, and the Roman Catholic bishop, Taché, was at Rome. These two officials would have spoken with authority, whereas the minor employés of the Company and the rank and file of the Roman Catholic clergy were hostile to the change, and the Company had done nothing in England to prepare the minds of the people for what was coming. Added to these causes of difficulty were American intrigues, directed by interested persons, so that the risks of future trouble were great. In this state of feeling the folly of the Canadian officials set the match to the bonfire. The Canadian surveyors, who were at work during the summer of 1869, displayed little tact in running their lines through the lands of the half-breeds. The history of Selkirk's colony showed the lawless nature of these people, and time had made little change in their character. It was determined to resist annexation, and a council of defence was organized under the leadership of Louis Riel and two others; arms and ammunition were taken by force from the Company's stores, and a force of some five or six hundred half-breeds was hastily collected. Riel, though born and bred in the settlement, seems to have had no Indian blood, though he had many relatives amongst the half-breeds and secured over them a great influence. Sir John Macdonald had realized from the first the seriousness of the situation. He had warned McDougall in November that he was entering a foreign country under the government of the Hudson's Bay Company, and that the onus of protecting him should be thrown on that Company. He advised McDougall to find out from McTavish the two leading half-breeds in the Territory, and put them on his Council. Riel he recognized as the moving spirit, a clever fellow, who should be retained as an officer in the future police. By acting promptly the Lieutenant-Governor would show that he was not going to leave the half-breeds outside the law.[1] The Prime Minister also urged that McDougall should refuse to assume the government until he was able to enforce his authority. It would be most impolitic prematurely to relieve the Hudson's Bay Company of its responsibilities. The Company was responsible for the peace and good government of the country, and ought to be held to that responsibility until it was in a position to give quiet possession. A Proclamation which was not obeyed would only give occasion for laughter; while, by solemnly notifying the termination of the Company's

---

[1] See note of Sir R. Meade in Lord Granville's Life, vol. ii, p. 25.

Macdonald's warnings.

---

[1] Pope, J., *op. cit.* vol. ii, p. 53.

rule, it would, in the ensuing anarchy, give excuse to the inhabitants to form a *de facto* government, 'which might be very convenient for the United States.'[1] Both the Colonial Office and the Company were, it is true, desirous of shifting all further responsibility on to Canada; but Macdonald was shrewd enough to see that by positively declining such responsibility and holding out for peaceable possession, Canada would be able to compel the active co-operation of both the imperial authorities and the Company in the work of pacification.

Views of Dominion Government.

A minute of Council dated December 16, 1869, placed on record the views of the Dominion Government. A hasty attempt to coerce the insurgents would probably end in armed resistance and bloodshed. If life was once lost in an encounter between a Canadian force and the inhabitants, the seeds of hostility to Canada and Canadian rule would be sown, and might produce an ineradicable hatred to the union of the countries, and thus mar the future of British North America. Once hostilities had begun, the wild Indian tribes and the restless American adventurers would inevitably be drawn into the fray; while the Fenians would see in it their opportunity. On these grounds, and not from any desire to repudiate or postpone the performance of any of their engagements, the Canadian Government urged a temporary delay of the transfer. Even were the £300,000 paid over, the impolicy of putting an end to the only constituted authority existing in the country, and compelling Canada to assert her title by force, would remain. It was better to have the semblance of a government in the country than none at all.

Action of McDougall.

Whatever the wisdom of such counsels, they were in effect nullified by the hasty action of McDougall, who, on December 1, issued a Proclamation formally annexing to the Dominion Rupert's Land and the North-West Territory. But the new

---

[1] Pope, J., *op. cit.* vol. ii, p. 54.

Governor's position at Pembina was rendered so precarious by Riel's taking possession of a post some two miles distant, with the view of starving him out, that he retired further south to St. Paul. He thus contrived to humiliate himself and Canada, to arouse the hopes and pretensions of the insurgents, and to leave them in undisputed possession till the next spring. The Ministry were the more indignant as they had hoped great things from a special mission which was to arrive at Pembina about Christmas. This mission consisted of a French Canadian missionary, who was respected by the people, of Colonel de Salaberry, the son of the hero of Chateauguay, and of Mr. Donald Smith, now Lord Strathcona, representing the Hudson's Bay Company, who proved himself a very useful negotiator. Bishop Taché was also recalled in hot haste from Rome, and sent to Fort Garry with assurances that it was the intention of the Government to give the people of the North-West the same free institutions which the people of Canada enjoyed.

Proceedings of Riel.

But while these measures were being taken, the English loyalists, resenting the action of the rebels, advanced from the Portage[1] to overthrow the provisional government. Riel, thus driven to extremities, set up a dictatorship, imprisoned the members of the special mission, overcame the loyalist attack, and put to death, with circumstances of great brutality, one of them, by name Thomas Scott. Scott was an ardent Orangeman from Ontario, and his murder, for the absence of the accused made the pretence of legal proceedings a mere mockery, aroused great indignation in that province. The Dominion Government was bitterly blamed for consenting to receive a deputation of Riel's supporters, and indignation became further aroused on the report that an amnesty had been promised for Riel both to Bishop Taché and to the delegates.

The Canadian Ministry was doubtless anxious to give no

---

[1] Now Portage la prairie.

Red River Expedition.

offence to their French supporters, but they had no intention of renouncing the vindication of their rights in the western territory. In May, 1870, a combined British and Canadian force, under Colonel, now Lord Wolseley, advanced to Fort Garry, starting from Thunder Bay, on the western shore of Lake Superior. The distance thence to Fort Garry was, by the course travelled, six hundred and sixty miles, of which all but the first forty-eight were traversed by water. Although from a military point of view the expedition was simple enough, the numerous 'portages'[1] along the route made it very troublesome, and the excellence of the arrangements reflected no little credit on Colonel Wolseley. The forces started from Lake Shebandowa on July 16, the brigade covering a distance of one hundred and fifty miles from front to rear. Fort Garry was reached on August 24, when it was found that Riel had made good his escape.

Manitoba.

A bill had been introduced in the preceding March providing for the establishment of a provincial instead of a territorial government, and the province of Manitoba was thereby created, Mr. A. G. Archibald, a prominent Nova Scotian, being appointed Lieutenant-Governor. In June an Order in Council formally transferred Rupert's Land and the North-West Territories to the Dominion of Canada, the £300,000 having been paid over in the preceding month.

British Columbia.

It was when the Dominion had already assumed the government of Manitoba that the proposals of British Columbia for union were considered. They were held to be reasonable, and were in the main accepted, an agreement being arrived at in July. A transcontinental railway having now been decided upon, it was considered unnecessary to make also a great main road. The wording of the provision as to the making of a railway was as follows: 'The Government of the Dominion undertakes to secure the commencement simultaneously, within two years from the date of the union, of the construction of the railway from the Pacific towards the Rocky Mountains, and from such point as may be selected east of the Rocky Mountains towards the Pacific, to connect the seaboard of British Columbia with the railway system of Canada; and further to secure the completion of such railway within ten years from the date of such union.'

---

[1] 'Portage' means a break in the chain of water over which all canoes or boats have to be hauled or carried, and their contents transported.

We have seen that an imperial Act had been passed in 1866 altering the Constitution of British Columbia, so that the new Legislative Council represented both that colony and Vancouver Island. That body addressed the home authorities, praying to be admitted into the Dominion on the basis of the terms and conditions which had been agreed upon; and in July, 1871, British Columbia became part of the Dominion of Canada.

The accomplishment of the Dominion.

We have chosen this date rather than that of the passing of the British North America Act for the coming into being of the new nation because, till it stretched from ocean to ocean, Canada was still in the making. From this time its material future was assured. To make use of Brown's words,[1] used at the time in prophecy, a great and powerful people *had* grown up in these lands—boundless forests *were giving* way to smiling fields and thriving towns—one united government under the British flag *had extended* from shore to shore. All that henceforth was needed was that the spirit of the people should rise to the occasion and make worthy use of the great opportunities thus presented. Under the trend of advancing civilization the glamour and the mystery of the West tend to disappear, but it will be long before they are wholly a thing of the past, and meanwhile it is a matter for sober thanksgiving that in its dealings with the Indians British North America has set an example which it would have been well if other nations could have followed.

---

[1] In *Confederation Debates*, p. 115.

AUTHORITIES

On Oregon Boundary Question :—

History and Digest of the International Arbitrations to which the United States has been a Party. 6 vols. Washington, 1898. Vol. i, chapter vii.

A History of the Pacific North-West, by J. Schafer (New York: 1905), gives a clear account of the Oregon question from an American point of view.

History of the North-West, Toronto, 1894-5, and *History of British Columbia.* By A. Begg. Toronto, 1894.

Manitoba and *The Hudson's Bay Company.* By G. Bryce. 1882 and 1900.

Among Parliamentary Papers the evidence before the House of Commons Committee of 1857 on the Hudson's Bay Company is especially valuable.

Canada and the States: Recollections, 1851-1886. By Sir Edward Watkin. 1887.

The Story of a Soldier's Life. By Lord Wolseley. 2 vols. 1903. Vol. i.

The Red River Expedition. By Captain G. L. Huyshe. London, 1871.

Sir Wilfrid Laurier and the Liberal Party. By J. S. Willison. London, 1903. Vol. i, chapter vii, on the Red River troubles, and Pope J., *op. cit.* vol. ii, chapter xviii, on the acquisition of the North-West.

Book III

THE DOMINION

CHAPTER I

RELATIONS WITH UNITED STATES

We have traced the history down to 1871, so far as to include within our last Book the accomplishment of the Dominion, but it is necessary to take up the political narrative from the time of the passing of the British North America Act of 1867. When the Dominion came into being, on July 1, 1867, a preliminary difficulty had to be surmounted. It was impossible to find out, in the ordinary constitutional manner, the statesman who possessed the confidence of a Parliament which did not yet exist, but Macdonald, who had been made a K.C.B. on the birthday of the Dominion, had been the chosen chairman and spokesman of the delegates to England from all the provinces, and seemed the natural Prime Minister of the new Dominion. Lord Monck took the opportunity of his appointment to express his strong opinion that for the future there should be a distinct understanding that henceforth the position of First Minister should be held by *one* person, who should be responsible to the Governor-General for the selection of the other Ministers, and that the system of Cabinets with dual control should come to an end. In any case the situation was difficult enough, because it was necessary that each division

Macdonald Prime Minister.

Constitution of Ministry. of the Dominion should have its share of representation in the Ministry. It was agreed that the new Privy Council should consist of thirteen members, five from Ontario, four from Quebec, and two each from Nova Scotia and New Brunswick. A further difficulty arose from the necessity for providing that in Ontario each party to the coalition should have its fair share. Cartier, to whose influence over the French Canadians it was largely owing that confederation had been accepted by them, had been made a baronet, and, as Minister of Defence, he continued to work hand and glove with his old colleague. Galt, who had been made a K.C.M.G., was Finance Minister, and Mr. S. L. Tilley Minister of Customs. Dr., now Sir Charles, Tupper, after Howe the most distinguished public man in Nova Scotia, for the time refused office, so as to facilitate the task of satisfying rival claims.

Results of General Election. In the general election which ensued, the cause of confederation triumphed in Ontario, Quebec, and New Brunswick, but, as has already been noticed, in Nova Scotia the Opposition obtained a sweeping victory. We have also seen how the great leader of the Opposition, Joseph Howe, found himself unable to turn the tide of history, and was compelled either to come to terms with the Dominion or else be swept along a current leading to annexation to the United States, a course to which his whole past stood opposed. In this dilemma, when urged to take office in the Dominion Government, he was doubtful how to act. He knew that in the excited state of feeling which prevailed in Nova Scotia such a step would alienate from him the sympathies of the people. Already there was much jealousy between the representatives in the Dominion Parliament and those in the Provincial Legislature. The Provincial Ministry had come into office on the repeal cry, and depended on its continuance for their existence. Sir John Macdonald, who visited Halifax in August, 1868, laid great stress on the manner in which

Howe and the Government.

Nova Scotia was suffering from her interests being unrepresented in the Government, and from the position of isolation taken up by her representatives in Parliament. He was not able to convince the Nova Scotians, but the local Legislature, which had threatened to adjourn as a protest against the Constitution, was induced to proceed with the public business. It was arranged that Howe and his associates should be considered by the Canadian Government as 'friends', and receive a fair share of influence in recommending local appointments, but that, for the present, the more important of such appointments should be kept open until the state of public feeling allowed Howe and his friends to come to the aid of the Government.

At length, in great measure owing to the influence of Howe, more moderate views prevailed. In January, 1869, he was able to report that victory was in sight, though the battle had been a hard one, and there was a good deal of sullen resistance yet to be overcome. Macdonald was quite willing that the financial settlement should be readjusted on terms more satisfactory to Nova Scotia, and by these means the way was made clear for the entry into the Canadian Government of Howe, as President of the Privy Council, on January 30, 1869. But the great Nova Scotian had nearly run his course, and though he returned to his native province as Lieutenant-Governor in 1872, he returned as one under sentence of death.

Intercolonial railway.

The action of the Nova Scotian people was the more unfortunate as one of the first measures to engage the attention of the Dominion Parliament was closely connected with their interests. It empowered the Government to raise, by way of loan, the sum of four million pounds sterling for the making of the intercolonial railway. The interest of three millions of this sum was guaranteed by the Imperial Government, on condition that the Parliament of Canada passed, within two years of the coming into being of the

Dominion, an Act providing that the route should be subject to the approval of the home Government. The selection of the route for this railway was one of difficulty. The termini were, it is true, fixed, by the Act providing the imperial guarantee, at Truro, in Nova Scotia, and Rivière-du-loup, in the province of Quebec, but several routes were advocated within these points. The imperial authorities were opposed to the route by the valley of the St. John river, on the ground that it approached too near to the United States; so that the choice lay between a northern route by the Bay des Chaleurs, and a more central route through New Brunswick. The northern route, which was advocated by Lower Canada, had also the support of the imperial military advisers. On receiving the approval of the Government Engineer, Mr., now Sir Sandford, Fleming, it was therefore determined upon. Meanwhile the Dominion Ministry were in command of a large majority; though they were taken aback by a vote of the House of Commons reducing the salary of the Governor-General from £10,000 to £6,500 per annum. It seemed that the careful Ontario farmers could not imagine how one man could want so much money; and members were afraid of their constituents. Moreover, Lord Monck appears to have been personally unpopular, though he had the cordial esteem of the Prime Minister. The measure was disallowed by the home Government, but it had the effect of losing for Canada the services of Lord Mayo, who withdrew his acceptance of the office of Governor-General, on the ground that the reduction of the salary lessened the prestige and dignity of the post. Lord Monck was succeeded by Sir John Young, afterwards Lord Lisgar, who became Governor-General in February, 1869.

Lord Lisgar Governor-General.

The expiration in 1866 of the Reciprocity Treaty with the United States restored the state of things with regard to the fisheries which had prevailed under the treaty of 1818. Under this treaty, as we have seen, the Americans possessed

American fisheries question.

certain strictly defined rights to fish in British waters and to frequent British coasts. It proved, however, a difficult matter to keep the Americans within the lines marked out; and in 1852 the imperial authorities had been obliged to dispatch a small naval force to enforce the observance of the 1818 Convention. The duration of the Reciprocity Treaty of 1854 gave a welcome interval of peace, but, on the abrogation of that treaty, the trouble again came to the fore. An attempted solution, by which the Americans were given leave to fish on the payment of a licence duty, proved a failure; the Americans being unwilling to pay the duty, while the number of those fishing without any licence continued to increase. The system of licences was therefore discontinued, and a small fleet of cruisers was equipped in 1870 to protect the Canadian fisheries. This attempted enforcement of the law led to much irritation and quarrelling, and it was generally recognized that advantage should be taken of the agreement of 1871 between Great Britain and the United States to refer all matters in dispute between them for the consideration of a joint High Commission, to endeavour to come to some agreement.

Washington joint High Commission.

An attentive study of Sir John Macdonald's account of the doings of the joint High Commission at Washington will serve well to bring home the difficulties connected with the statesmanship of a world-empire. It was very necessary for Great Britain to come to terms with the United States concerning the claims arising out of the action of the *Alabama*; and the American Commissioners were singularly astute in their endeavours to separate the interests of the British Commissioners from those of their Canadian colleague. Great Britain refused to support the claims made by the Canadians against the United States for damages in connexion with the Fenian raid. Canada had been invaded by an armed force from American territory in a time of peace, and the State authorities of New York had done nothing to prevent it. Yet for this no satisfaction was ever given. The temper at the time prevalent in the United States may be gauged by a memorandum of Mr. Sumner, the chairman of the Senate Committee on Foreign Relations, dated January 17, 1871, which said: 'The greatest trouble, if not peril . . . is from Fenianism, which is excited by the proximity of the British flag in Canada. Therefore the withdrawal of the British flag cannot be abandoned as a condition or preliminary of such a settlement as is now proposed.' According to C. F. Adams, an eminent member of an eminent family, Sir Edward Thornton, the English Minister, when the American Secretary of State had urged on him in 1869 and 1870 the withdrawal of Great Britain from Canada, had replied: 'It is impossible for Great Britain to inaugurate a separation. They are willing and even desirous to have one.' Lowell, the far-seeing American author and minister, wrote in 1869: 'I doubt if we should get by war what will fall to us by natural gravitation if we wait.'[1] Macdonald had accepted the post of Commissioner with no little misgivings. He knew that unpopularity might be incurred. On the other hand, 'if Canada allowed the matter to go by default and left its interests to be adjudicated upon by a Commission composed exclusively of Americans having an adverse interest, and Englishmen having little or no interest in Canada, the Government would be very much censured if the result was a sacrifice of the rights of the Dominion.' If anything went wrong he knew that he should be made the scapegoat; but thought that after all that Canada had done for him he should not shirk the responsibility. The other British Commissioners were Lord de Grey (the present Lord Ripon), Sir Stafford Northcote, the English Minister at Washington, Sir Edward Thornton, and a distinguished jurist, Sir Mountague Bernard. A suggestion was made that the right

The joint High Commission and Macdonald.

---

[1] Rhodes' *History of the United States*, vol. vi, p. 355.

to the inshore fisheries should be secured to the United States by purchase. This suggestion did not commend itself to Macdonald and revealed a somewhat contradictory attitude between the British Foreign and Colonial Offices; Lord Kimberley, the Colonial Secretary, having telegraphed that the Government had never had any intention of selling the inshore fisheries of Canada without her consent; while Lord Granville had authorized the Commission generally to discuss the question of sale. The final conclusion was that negotiations for the settlement of the fisheries should be proceeded with, but that a clause should be inserted in the treaty making its provisions subject to ratification by the Canadian Parliament. The position of the Canadian Commissioner was most difficult. If the majority of his colleagues accepted terms to which he could not agree, he must either protest and withdraw, or else remain on the Commission trusting to the non-ratification of the treaty by the Canadian Parliament. If he took the first course, he would be playing the game of the Americans, whose main object was to sow discord between the British and Canadian representatives, and of the men in England who looked upon the colonies as an expensive burden.[1] If, on the other hand, he remained a member of the Commission, he would be attacked for having sacrificed Canadian interests, and might find himself under the necessity of voting in Parliament against a treaty to which he had appeared to be a consenting party. Macdonald was willing to abandon the exclusive right to the fisheries in return for certain concessions with regard to customs duties. The Americans refused the terms suggested, but agreed to the free admission of coal and salt, as well as mackerel, herrings, and cod; and to remove the duty on timber from July 1, 1874. As in any case the duties on coal and salt were about to be removed, and as the Americans were firm in refusing to make a money payment, the terms were not tempting. There was a further question in dispute with reference to water communication. The Americans maintained that the free navigation of Lakes Michigan and Champlain, together with the use of the canals at Sault Ste Marie and the St. Clair Flats, would be an equivalent for the use of the St. Lawrence and the Canadian Canals. Macdonald demurred to this, and no agreement was arrived at. Throughout the negotiations the Americans were always urging the British Commissioners to bring pressure to bear upon their Canadian colleague, by arousing their fears of losing the whole treaty. In the bitterness of his heart, Macdonald wrote of the British Commissioners: 'They seem to have only one thing in their minds—that is, to go home to England with a treaty in their pockets settling everything, no matter at what cost to Canada.'[1] It is only fair to add that, contrary to Macdonald's expectations, the fishing articles of the Washington Treaty proved acceptable to the majority of the Nova Scotia fishermen.

---

[1] It is stated on good authority that shortly before Lord Dufferin went out as Governor-General in 1872 Robert Lowe came up to him in a London club and said, 'Now you ought to make it your business to get rid of the Dominion.'

Washington Treaty.

Under the 18th article of that treaty it was provided that the Americans should, in addition to the rights secured by the 1818 Convention, enjoy for twelve years the right to take fish of all kinds, except shell-fish, on the sea-coast and shores, and in the bays, harbours, and creeks of Quebec, Nova Scotia, New Brunswick, and Prince Edward Island, without being restricted to any distance from the shore, and with permission to land for the purpose of drying their nets and curing their fish, provided that in so doing they did not interfere with the rights of private property or with British fishermen. It should be noted that these rights only applied to the sea-fishery. Under Article 21, fish of all kinds, except fresh-water fish or fish preserved in oil, could be admitted into either country from the other for a period of twelve years free of duty. The treaty was made, so far as Canada was concerned, subject to its ratification by the Canadian Parliament, and the Prime Minister was at first opposed to such ratification. He afterwards, however, changed his mind, and in July, 1873, induced the Dominion Parliament to agree to the treaty.

---

[1] It is only fair to remember that the desire of the British envoys to secure a treaty was in great measure based on the unprotected state of Canada, on which the brunt of war would have fallen.

Fisheries Arbitration under Treaty.

It being asserted by Great Britain, though not admitted by the United States, that the privileges obtained by American citizens were greater than those obtained by British subjects, it was provided by the 22nd article of the treaty that commissioners should be appointed to determine the amount of any compensation which, in their opinion, ought to be paid by the United States in return for the privileges accorded. Some difficulty occurred in forming this commission; but it met at Halifax in June, 1877. The Canadian representative was Sir Alexander Galt and the American Mr. Kellog, with the Belgian Minister at Washington as an independent third commissioner. The majority, to the surprise and disgust of their American colleague, awarded to Great Britain the sum of $5,500,000. The American Secretary of State, Mr. Evarts, endeavoured, in corresponding with Lord Salisbury, to impugn the award; but the latter took the simple ground of *res judicata*, and in November, 1878, the money was duly paid.

San Juan Boundary Question.

On another point, which was settled by the joint High Commission of 1871, the decision was less satisfactory to the Dominion. It has been previously noted that, while the main question at issue with regard to the Oregon boundary was settled in 1846, the exact water boundary remained far from clear. The question was, what was the middle of the Gulf of Georgia between the southern end of Vancouver Island and the North American coast?—the main question at issue being the ownership of the island of San Juan. The British contention was that the boundary ran to the eastward of the island, down what was known as the Rosario Straits. The argument maintained that there was but one navigable channel between the continent and Vancouver Island at the forty-ninth parallel of north latitude, viz. the Gulf of Georgia, and that the boundary must start in its waters. Carrying this line to the south to about 48° 45′ the waters were studded with islands, through which there were two navigable passages. According to the wording of the treaty, the channel forming the boundary must separate the continent from Vancouver Island, admit of the line being carried through it in a southerly direction, and lastly be a navigable channel. Rosario Strait answered these conditions, whereas the Canal de Haro, or Haro Channel, which the Americans contended formed the boundary, did not meet the first two requirements. The Americans, on the other hand, argued that the pre-eminence in depth, width, and volume of the Canal de Haro made it the natural boundary. No settlement was arrived at, and the outbreak of a dispute on San Juan Island between the agent of the Hudson's Bay Company and an American settler led to an agreement under which the islands were held by both Powers under a joint military occupation. Negotations were again set on foot; but with no results. The American Minister in England, Mr. Reverdy Johnson, and Lord Clarendon, the British Foreign Secretary, agreed in 1869 to refer the question to the arbitration of the President of the Swiss Republic; but the Senate of the United States shelved the treaty. At last, however, the question was settled through being referred, under the Washington Treaty of 1871, to the arbitration of the German Emperor, who was by the terms of the reference bound to decide in favour of one or the other party, and not to propose a compromise. The German Emperor held that the boundary line through the Haro Channel was 'most in accordance with the true interpretation of the treaty concluded in 1846'. The ground of the decision was probably that the 'radical principle' of the boundary was the forty-ninth degree of latitude, and that, inasmuch as the only reason for departing from it was to assign the whole of Vancouver Island to the Power entitled under that condition to the greater share of it, the deflection from that line should be limited, as far as possible, to the fulfilment of that object. The award was made on October 21, 1872, and was promptly and fully accepted by the British Government, which at once put an end to the joint occupation of San Juan. In his message to Congress of December, 1872, President Grant rejoiced that at last all boundary questions between the United States and Great Britain had come to an end. He could not at the time foresee that the future had yet another boundary question in store arising out of the purchase by the United States of Alaska in 1867.

AUTHORITIES

Memoirs of the Life of Sir John Macdonald. By Joseph Pope. London, 1894. Chapters xvi, xvii, and xix deal with the first years of the Dominion.

The correspondence *re* the Treaty of Washington in chapters xx and xxi is of especial value. For the opposite point of view see *Life, Letters and Diaries of Sir S. Northcote*, by A. Lang. 2 vols. 1890.

An account of the articles relating to the Fisheries in the Treaty of Washington will be found in *History and Digest of the International Arbitrations to which the United States has been a party* (in 6 vols. Washington, 1898), vol. i, pp. 702–53. For the history of San Juan water boundary question, see the same volume, pp. 212–36.

CHAPTER II

THE CANADIAN PACIFIC RAILWAY

Negotiations with regard to railway.

We have seen that the construction of a transcontinental railway was a material part of the agreement under which British Columbia entered the Dominion. At first it was intended to build the railway as a public work, but the fear of the cost was such that the Government was induced to hand it over to a company of capitalists, aided by subsidies in land and money. It was, however, by no means easy to find the necessary enterprise and capital. American capitalists might have been willing to undertake the task, but the Government was rightly determined that, if it was necessary that there should be a company, it should at least be Canadian. At the time millionaires were not common in Canada, but Sir Hugh Allan, the chairman of the shipping line of that name, and Mr. D. L. Macpherson, a railway magnate, were approached by members of the Government. These two represented rival interests, the inhabitants of Quebec championing the one, those of Ontario the other. The latter province was afraid lest the construction of a railway direct from Montreal to Manitoba should divert the western trade of Toronto. Both rivals came to Parliament with railway bills, being incorporated under the titles of 'The Canada Pacific Railway Company' and 'The Interoceanic Company'. The Government remained neutral between the rival companies, it being provided that the construction of the railway might be entrusted to either of them, or to an amalgamated company composed of the two, or, if it seemed advisable, to another and distinct company. In any case, a subsidy was to be provided of $30,000,000 and a grant of 50,000,000 acres to the company which should obtain the contract. Although the intention was that American influence should be excluded, it became known that Sir Hugh Allan was largely depending upon American capital, on which ground Mr. Macpherson refused amalgamation when proposed to him. Sir Hugh Allan had pledged himself both to the Government and to Parliament that he had severed all connexion with the Americans; but Mr. Macpherson did not believe him, and subsequent revelations proved that his suspicions were justified. On the Grand Trunk Railway threatening to interfere with Allan's control of the shipping trade to Europe, he embarked vigorously in schemes of railway development which, while aimed at the Grand Trunk, had the further effect of benefiting the province of Quebec. The position, then, was in this unsatisfactory state when the general election of 1872 took place.

The general elections and the railway.

Amalgamation having hitherto proved impossible, Sir John Macdonald, in the thick of the election, telegraphed to Sir George Cartier that he should assure Allan that the influence of the Government would be exercised to secure for him the position of president of the new company, 'the whole matter to be kept quiet till after the election.' Sir George Cartier went much further, and promised Allan that, if the attempts at amalgamation failed, the construction of the railway should be given to his company; but this promise was promptly repudiated by Sir John when he heard of it.

Still it was clear that a Government, which was accepting (as was admitted by Macdonald) large grants of money to their election funds from a capitalist, who was known as not too open-handed, and whose motto might well have been the *do ut des* of Bismarck, at the very time when delicate negotiations were on foot in which he was closely interested, was ignoring the ordinary rules of public morality. Macdonald's explanation to the Governor-General, Lord Dufferin, was in substance that the Provincial Liberal Government of Ontario was making such use of local and country patronage that extraordinary efforts were necessary to counteract them; but this does not meet the question whether such extraordinary efforts were honest. A more reasonable line of defence arises from the fact that after the failure to effect an amalgamation the construction of the railway was not given to the Canada Pacific Company, but to a new company, the preponderance of interest in which was given to the Province of Ontario in proportion to its population; and that of the thirteen shareholders and directors of this company only one was the nominee of Sir Hugh Allan. It should be noted, moreover, that the charter was carefully drawn with the object of preventing the clandestine admission of American capitalists as shareholders. Still, when all was said and done, there remained enough, when brought to light, to justify the sweeping condemnation by the Canadian electorate of the whole transaction. Sir John Macdonald no doubt honestly believed that the future of the railway, and therefore of the Dominion, lay with the triumph of his party at the general election; but it is well that politicians should from time to time be taught the lesson that the great body of moderate sensible opinion in a country does not accept the maxim *qui veut la fin, veut les moyens*.

A theft of papers disclosed the arrangements for the election funds; and Mr. Huntington, an active and bitter member of the Opposition, moved, in April, 1873, for a select committee to inquire into the circumstances connected with the negotiations for the construction of the Pacific railway. Besides asserting the payment of the moneys by Sir Hugh Allan, it was sought to bring home to the Government the knowledge of Allan's dependence on American capitalists, and to show that the sums paid by Allan were largely contributed from American sources. Mr. Huntington's motion was rejected on a strict party vote, but the feeling aroused was too strong to ignore, and the Prime Minister himself proposed a select committee to inquire into the charges. Unless evidence could be given on oath such a committee would be useless; but unfortunately a bill giving the committee this power was disallowed in England on the opinion of the English law officers that it was *ultra vires* under the British North America Act. An offer of the Government to constitute the members of the committee a Royal Commission was rejected, through not receiving the unanimous acceptance of the members of the committee. The House of Commons had been adjourned to August 13, so as to prevent the lapsing of the committee through prorogation; but, in the belief that the proceedings would at that date be merely formal, members from the distant provinces did not attend. The Opposition, however, whose strength lay in Ontario, mustered in full force, in the hope of carrying a vote of want of confidence. But Parliament was forthwith prorogued, and a Royal Commission, consisting of three judges, was appointed to investigate and report upon the evidence. A new cause of quarrel now arose, in that Mr. Huntington refused to recognize the Commission, holding that it infringed the rights of the House of Commons. It was not intended that the Commission should itself pronounce judgement, and Parliament was summoned in October to consider its report. A vote of censure on the Ministry was moved by Mr. Mackenzie, the leader of the Opposition, and, in spite of the exertions of the Prime Minister, defections from the ranks of the majority rendered the result a foregone conclusion, so that the Ministry resigned without waiting for the verdict of the House. Whatever may be thought of these transactions, there are few now who will question Macdonald's boast that he had fought the battle of confederation, the battle of union, the battle of the Dominion of Canada. 'I can see past the decision of the House either for or

Royal Commission on Canadian Pacific Scandal.

against me; but whether it be for or against me I know . . . that there does not exist in the country a man who has given more of his time, more of his heart, more of his wealth, and more of his intellect and power, such as they may be, for the good of this Dominion of Canada.'[1]

Difficulties in way of railway.

Meanwhile the Canadian Pacific railway was not advancing. At the beginning of 1873 the new Canadian Pacific Railway Company, to whom the charter had been granted, found itself unable to find the money necessary for the construction of the railway, and therefore surrendered its charter. The country having pronounced with no uncertain voice against the Conservative Government, it fell to the Liberal leader, Mr. Alexander Mackenzie, to form a Ministry. The alternative railway policy put forward involved such a modification of the terms made with British Columbia as to secure its final completion 'without too largely increasing the burden of taxation on the people'. At this time it was intended to utilize the enormous stretches of water communication which extended between a point not far from the Rocky Mountains and Fort Garry, and between Lake Superior and French river on the Georgian bay. By these means the construction of some thirteen hundred miles of railway would be saved. The supporters of the new Government were able to boast that it was the reform party which had first advocated the annexation of the North-West Territory, as well as British Columbia, and that amongst its members were some of the most enthusiastic supporters of the Pacific railway; so that the people of British Columbia had no cause to regret the advent of the reform party to power.

Railway policy of Mackenzie's Government.

In 1874 the Mackenzie Government obtained authority from Parliament to construct the railway as a public work, if it should so decide, in four separate sections. The first section would run from Lake Nipissing to the west end of Lake Superior; the second from Lake Superior to Red river; the third from Red river to the foot of the Rocky Mountains, and the fourth from the foot of the Rocky Mountains to the Pacific Coast. In the event of the construction being given to contractors, they were to receive a subsidy of ten thousand dollars and twenty thousand acres of land per mile, with four per cent. interest for twenty-five years on a sum to be stated in the contract. These terms, however, did not induce capitalists to come forward; and it became necessary to carry out the railway to Winnipeg as a public work. Telegraphic communication was also established between the Red river and Edmonton.

---

[1] *Memoirs of Sir John A. Macdonald*, by J. Pope, vol. ii, p. 193.

Dissatisfaction in British Columbia.

Meanwhile, in British Columbia, as time went on, and the Pacific railway was still in the future, dissatisfaction became great. It had indeed at first been admitted that the engagement with regard to the Pacific railway was not a 'cast-iron contract', to be carried out in such a way as to do violence to the interests of the Dominion as a whole; and it is clear that the delay was not mainly due to the neglect of the Canadian Government. The natural difficulties proved far greater than had been foreseen, and the work of surveying proved very arduous. Two distinct conditions had to be fulfilled. It was necessary to find the place where the great mountain chain might be most easily pierced, and it was also necessary to find a terminus on the sea-board to which large vessels could approach. The feasibility of the route through the Yellowhead Pass to Kamloops was soon established, but there was for a long time doubt between three competing routes to the Pacific.

British Columbia, however, soon became restive, and the Lieutenant-Governor, in opening the Legislature in December, 1873, announced that he had protested on behalf of the province against the infraction by the Dominion Government of the terms of the Union. A solemn protest, made on behalf of the Legislature and people, in February, 1874, called attention to the fact that the two years referred to in the agreement had expired in the preceding July; and yet that the construction of the railway had not begun. Attempts by the Dominion Government to negotiate for an extension of time proved unsuccessful, and an envoy was sent from the province to appeal to the home Government. The distrust felt by British Columbia was probably intensified by the strong line taken by Mr. Edward Blake, one of the most distinguished and respected of Canadian Liberals, who spoke of the railway as a burden too heavy to be borne, and was prepared to face the secession of British Columbia rather than persevere with the task. He compared that country to a sea of mountains, and the Toronto *Globe* confidently affirmed that the railroad would never 'pay for its own axle-grease'.

Carnarvon terms.

Lord Carnarvon, the Colonial Secretary, was willing to act as friendly arbitrator between the Dominion and British Columbia; and his offer was accepted by both parties. Under the Carnarvon terms, a railway was to be forthwith made between Nanaimo and Esquimault on Vancouver Island; a sum of not less than two million dollars was to be expended annually on the construction of the Pacific railway until it was finished, and the work was to be completed by the year 1890. A bill giving effect to this compromise was passed in 1875 by the Canadian House of Commons, but was unfortunately rejected by the Senate. Mr. Blake opposed the Carnarvon terms with all his ability on the ground that they in effect involved a reversal of the resolution relating to taxation which had previously been agreed to by Parliament. When, therefore, he shortly after entered the Ministry, the prospects of a friendly settlement did not appear very bright.

In 1876 the Governor-General, Lord Dufferin, went to British Columbia on a mission of conciliation. According to Mr. Willison, a very trustworthy authority, Lord Dufferin had 'sought to wrest from his advisers a right of independent initiative in the adjustment of relations between the province and the Dominion. This demand Mr. Mackenzie strenuously and successfully resisted.'[1] Traces of this discussion do not appear in Mr. Mackenzie's biography; still it is probably true that an 'acute, able, and resourceful diplomat found it hard to accommodate himself to the limitations which surround the office of governor in a self-governing commonwealth'. In any case Lord Dufferin behaved with scrupulous loyalty to his Prime Minister. He declared his belief that the Pacific railway had no better friend than Mr. Mackenzie, and that he was only opposed to the time-terms in the bargain because he believed them to be impossible of accomplishment, and that a conscientious effort to fulfil them would increase the expenditure of the country to an unnecessary and ruinous extent. Lord Dufferin added that in both these opinions Mackenzie was without doubt in the right. The Governor-General refused to pass an arch decorated with the motto 'Carnarvon terms or separation', or to receive an address dealing with controversial questions. But while he refused to deal directly with politics, his visit was not without excellent political results. His evident belief in the future of the province, and the genuine eloquence in which that belief found expression, restored confidence to British Columbia in its own future; while his personal tact and *bonhomie* diffused an atmosphere of geniality and good humour, in which provincial grievances took a less ugly shape.

Lord Dufferin and Mr. Mackenzie.

Whatever may have been the facts, there can be no question that the people of British Columbia believed that their interests were more secure in the hands of Sir John Macdonald than in those of his political adversaries. They therefore welcomed with hope the success of the Conservatives at the General Election of 1878. The policy of the new Government was announced by Sir Charles Tupper in May, 1879. It was proposed that one hundred million acres

Liberal-Conservative Ministry of 1878.

---

[1] *Sir Wilfrid Laurier and the Liberal Party*, vol. i, p. 380.

of land, including the minerals within them, should be vested in commissioners for the purposes of construction. An imperial guarantee was sought; but, on the British Government refusing, it was decided to proceed without that assistance. The decision which had been arrived at to make Burrard Inlet the terminus was condemned as premature; but in order that British Columbia might not be disappointed, it was determined that 125 miles of railway should be placed under contract in that province, without further sanction of Parliament. But the plan of public construction involved enormous liabilities, such as seemed at the time hardly to be borne. The original scheme had been formed with the hope of an imperial guarantee, and the refusal of such a guarantee greatly increased difficulties. Apart from financial risks, the danger from the corrupting influence of public contracts was great. A scathing condemnation of the system was furnished by the report of the Canadian Pacific Railway Commission, which was issued in 1882, after two years' labour. The Commissioners found that the construction of the railway, as a public work, had been carried on at a sacrifice of money, time, and efficiency; that numbers of persons had been employed as Government officials on party grounds who had proved very inefficient. The waiting for moneys to be appropriated by Parliament had further caused expensive delays; while the system of surveys had been very inadequate.

Royal Commission on system of public construction.

Constitution of Canadian Pacific Railway Company.

Resort was therefore again made to a private company, and in September, 1881, it was announced that a contract, subject to the ratification of Parliament, had been made with capitalists representing London, Paris, and American interests for the construction of the railway. Under the terms of the agreement the Syndicate were to receive twenty-five millions of dollars in money, and twenty-five million acres of land. The grant of land was to be made in sections, consisting each of 640 acres alternating with sections reserved, such sections extending back twenty-four miles deep on each side of the railway. Other privileges were given, amongst which was the undertaking that Parliament would not allow, for twenty years, the competition of any other railway south of the main line of the new company; and that, in the event of new provinces being formed, such undertaking should apply to them for the same period of time. All station-grounds, workshops, &c., were always to retain freedom from taxation, national or local; and the lands of the company in the Territories, until either sold or occupied, were to remain free from all taxation for twenty years from the date of the Crown grant. The portion of the western section of the railway from Kamloops to Yale was to be completed by the end of June, 1885, and the remaining portion of the western section between Yale and Port Moody by May 1, 1891. The tolls of the company were not to be reduced till the net profits exceeded 10 per cent. on the capital actually expended on the construction of the railway. Moreover, the Dominion not only gave the money and lands already mentioned, but handed over to the company the sections already built, comprising some of the most difficult portions of the route. Even then the work could not have been accomplished had not the Government more than once come to the rescue between 1881 and 1885. That success was finally achieved was in large measure due to the buoyant courage of Sir John Macdonald and Sir Charles Tupper, who withstood the doubts and hesitations of their colleagues, and to the wise daring of Mr. Donald Smith, the present Lord Strathcona, who risked every penny that he possessed, including what he had laid aside for his wife's old age, rather than allow himself to be defeated in his great work.

Completion of railway.

With the transfer of the undertaking to the new company the construction of the railway was carried on with great vigour, in spite of the enormous difficulties which stood in the way. In some places the cost per mile was about two hundred thousand dollars; within a section of nineteen miles, thirteen separate tunnels had to be bored, and in one portion near the sea coast, apart from tunnels, nearly eleven million cubic yards of earth and rock were removed by pick, powder, and nitro-glycerine. The sacrifice of life was considerable, and the construction of the western portion of the Canadian Pacific railway stands out as one of the most splendid achievements in the history of engineering. But its consequences were such as to draw away attention from the engineering importance of the work. When, in November, 1885, the task of connecting the eastern with the western branch was accomplished, and the last spike was driven home by Mr. Donald Smith, something more had been done than the mere building of a difficult railway. If ever the stock saying *Tantae molis erat Romanam condere gentem* applied, it applied to the building of the Canadian Pacific railway. Mistakes may have been made, and it may have sometimes seemed that great areas of the choicest lands were falling into the hands of middlemen; but it was not without some sacrifice that this great link between east and west could be accomplished, without which the Dominion must have remained a mere geographical description, each portion leading an isolated life, without the arteries of common life blood. If the natural tendencies have been permanently broken which seemed to connect Western Canada with its southern neighbour rather than with the Eastern provinces, and other lines of railway are now following the course of the Canadian Pacific, the credit is due to the pioneers, who ventured to build a railway through a country which, for almost two thousand miles, was nearly uninhabited. Among the builders of the empire few have such good title to the name as the veteran Scottish gentleman who now, in an honourable old age, jealously watches in London over the interests of the Dominion, in the fashioning of which he has played so leading a part.

AUTHORITIES

The Canadian Pacific Scandal is dealt with in *Parl. Papers*, 1874, vol. xlv, pp. 1–266.

Sir John Macdonald's version of the case is set forth in a letter, dated October 9, 1873, addressed to Lord Dufferin; Pope, *op. cit.* vol. ii, pp. 174–189.

For events during Mackenzie administration, see *Life and Times of the Hon. A. Mackenzie*, by W. Buckingham and G. W. Ross.

Lord Dufferin's *Speeches and Addresses*. 1882.

The history of the building of the Canadian Pacific railway is told in *The History of the North-West*, by A. Begg (3 vols. Toronto, 1894–5); and there is an excellent chapter on it in *Sir Wilfrid Laurier and the Liberal Party*. (2 vols. London, 1903), vol. i, pp. 369–409. See also *Ocean to Ocean*, by G. M. Grant, 1873.

For Carnarvon terms see *Parl. Papers*, 1875, vol. lii, pp. 1–104.

The Report of the Commission on the Canadian Pacific Railway question in 1882 is summarized in Morgan's *Annual Register*.

CHAPTER III

INTERNAL POLITICS

In treating of the Canadian Pacific railway, we have reached as far as 1885; it remains to deal with some other events of an earlier period. The Red river rebellion was mentioned in the last book, so far as it related to the annexation of Manitoba by the Dominion. The question of Riel's treatment proved one of considerable difficulty; the provinces of Quebec and Ontario being at issue on the question. The French Canadians felt great sympathy for their compatriot, even when they disapproved his proceedings, while, so fierce was the feeling against Riel in Ontario, that the Legislature, at the request of the provincial Prime Minister, Mr. Edward Blake, offered a reward of $5,000 for his apprehension. Meanwhile the matter had become further complicated by the action of the Lieutenant-Governor of Manitoba, Mr. Archibald, who, in consideration of services rendered by Riel in 1871, when there was a prospect of a Fenian invasion, gave what was afterwards construed as a promise of indemnity for the offences committed during the Red river rebellion. At the general election of 1874, Riel was returned to the Dominion Parliament, and though he was under indictment in Manitoba for the murder of Scott, attended at Ottawa, and subscribed the oath. But although the Conservative Government had no intention of proceeding against him, it was impossible to tolerate his presence in Parliament. A motion was agreed to ordering him to attend in his place on the next day, and on his failure to appear he was sum-

Riel's treatment.

marily expelled. Whatever the exact terms of the promises made him, it would seem that their meaning was rightly interpreted by Lord Carnarvon, who wrote to Lord Dufferin that there could not be the slightest doubt that the impression left upon the mind both of Archbishop Taché and of the delegates of the Provisional Government was that a full and unconditional amnesty would be granted to the rebels if they recognized the authority of the Dominion. He further pointed out that, while a murder such as that of Scott could not be allowed to go unpunished on the ground that it was connected with political disturbance, yet, in so far as it did result from political circumstances, those who were guilty of it might be deemed to have earned a merciful consideration through their subsequent good services to the State; and that for these services their lives should be spared.

It was finally decided, in 1875, to give a full amnesty to all connected with the rebellion with the exception of Riel and two others. One of these had been the author of the Fenian rising already mentioned, and for him no measure of leniency was proposed; but Riel and the other rebel, named Lepine, were sentenced to five years banishment. Lepine had been already arrested and, having been convicted of complicity in the murder of Scott, had been sentenced to death; but Lord Dufferin, on his own initiative and responsibility, had remitted the death penalty, substituting a two years' imprisonment and forfeiture of political rights. The royal instructions, at the time, told the Governor-General to decide in the case of pardons after consulting his Ministers, but at the instance of the Canadian Government they were afterwards amended; and in 1878 Lord Lorne was instructed not to give pardons or reprieves without receiving, in capital cases, the advice of the Dominion Privy Council, and, in other cases, the advice of one at least of his Ministers. The Mackenzie Government, which came into power upon the defeat of Sir John Macdonald in November, 1873, fell upon evil days, their period of office being a time of bad harvests and trade depression. The sterling worth of the Prime Minister greatly impressed Lord Dufferin, who bore witness to his strict integrity, his pure patriotism, his indefatigable industry, and noble aspirations; but he was without the art of managing men, which was the special gift of his great opponent. Neither was he quick to read the signs of the times, which to others portended defeat. In the case of a young and growing community questions of trade and material development mainly occupy the attention of men, and it was on an issue relating to trade that the cloud gathered which was to burst upon the heads of the Government party.

Situation after repudiation of reciprocity treaty.

We have already noticed that, in spite of the protest of those best qualified to give an opinion, the Reciprocity Treaty of 1854 came to an end in 1866. The energies of Canada had been for twelve years largely directed to the supply of the American market, and the repeal of the treaty made it imperative to find new customers. We have seen that the intercolonial railway was at once undertaken at a cost of over twenty million dollars to secure direct communication with Europe. Commissioners were dispatched to the West Indies and to South America to promote the extension of direct trade. Existing canals were enlarged, and the navigation of the lakes and of the St. Lawrence was improved; the Bay Verte Canal, to connect the waters of the Bay of Fundy with the St. Lawrence, was constructed; ocean and river steamship lines were subsidized, and the shipbuilding and fishing interests were actively encouraged.

Nevertheless, the loss of the American market was felt for years as a severe blow, and continuous, though ineffectual, attempts were made by Canada to renew the treaty. In 1874, after the accession of the Liberals to office, George Brown was appointed plenipotentiary to act along with the British Minister, Sir Edward Thornton, in the negotiation of a new treaty. The Canadian Government was willing to grant unlimited reciprocity in natural products and a limited reciprocity in manufactures. But the schedule of manufactures was only to include 'articles not produced in or exported from Great Britain to Canada, together with such other articles as the Imperial and Dominion Governments may eventually agree upon, or as may, by mutual arrangement, be entered at a fixed duty to be specified in the treaty'. Brown proposed that Americans should have the free use of the fisheries for twenty-one years, and that the fisheries arbitration under the Treaty of Washington should be abandoned; that the coasting trade should be thrown open to the shipping of either country, that the Welland and St. Lawrence canals should be enlarged, and that the Canadian and American canals, about which there had been question, should be thrown open to both nations. Vessels built in either country should be entitled to the advantages of registry in the other; and joint commissions were to be appointed with regard to the lighting of inland waters and the protection of the fisheries. Duties on manufactures, which were eventually to be admitted free, were to be reduced under a sliding scale of one-third each year until complete abolition.

Negotiations by Brown.

A draft treaty for twenty-one years was at last, upon these terms, agreed upon by the negotiators; but it never even reached the stage of being openly discussed by the American Senate. President Grant's message when forwarding it was not very hopeful. He contented himself with the expression of a pious wish that the Senate might be able to agree to a treaty either in the form proposed or in such other form as might seem more acceptable. The Senate was about to adjourn when the draft treaty reached it. It was, however, taken up in secret session, and the curt answer was returned that it was inexpedient to proceed with its consideration.

What might have been the fiscal future of the Dominion had its overtures been met with more favour it is impossible to say. Sir John Macdonald and the Conservative leaders knew the advantage of American reciprocity to the Canadian producer. Indeed, one of the alleged advantages of a policy of protection was that 'moving, as it ought to do, in the direction of reciprocity of tariff with our neighbours, so far as the varied interests of Canada may demand, it will greatly tend to procure for this country eventually reciprocity of trade'.

The Conservatives and reciprocity.

But, for the time being, the failure of the attempt to come to terms with the United States naturally led to the demand for a fiscal system which should make Canada more independent of its difficult neighbour.

There is some conflict of evidence as to the manner in which Sir John Macdonald became identified with the policy of protection for national industries. Expressions in his early speeches can be quoted foreshadowing such a policy; while, on the other hand, he is represented as late as 1878 as saying: 'You need not fear that I am going into that hole.' Macdonald, no doubt, was first and foremost a very keen and skilled politician, as well as an ardent patriot on behalf both of Canada and of the Empire, and economic questions probably interested him only in so far as they aided his main objects. But since 1876 he had been steadily advocating some form of protection, and in March, 1878, he moved the memorable resolution, which ran as follows:—

The National Policy.

'That this House is of opinion that the welfare of Canada requires the adoption of a National Policy which, by a judicious readjustment of the tariff, will benefit and foster the agricultural, the mining, the manufacturing, and other interests of the Dominion; that such a policy will retain in Canada thousands of our fellow-countrymen now obliged to expatriate themselves in search of the employment denied them at home; will restore prosperity to our struggling industries, now so sadly depressed; will prevent Canada from being a sacrifice-market; will encourage and develop an active interprovincial trade'; the last sentence relating to reciprocity has already been quoted.

Hitherto political parties had not been divided on the tariff issue. The Protectionists were found mainly in the ranks of the manufacturers, and included Liberals as well as Conservatives. Mr. Willison has reminded us that 'in 1874, when the duties were raised from 15 to 17½ per cent. by the Mackenzie Government, the increase was attacked by the Conservative Opposition in Parliament as the thin edge of the wedge of Protection'.[1]

It is quite possible that had the Mackenzie Government increased the tariff from 17½ to 20 per cent., the ground would have been cut from the feet of 'the National Policy'. But the Liberal leader was confident that any increase of duties would be most unpopular, especially in the Maritime Provinces, and the tariff became the main issue in Canadian party politics.

In the general election of 1878 the people declared with no uncertain voice in favour of the 'National Policy'. In every province except New Brunswick the Conservatives were in a majority; the Liberal members mustering only sixty in a House of two hundred and six. Even at this time the attitude taken up by many Liberals gave ground for future compromise. Mr. Laurier, the future Prime Minister, was already recognized as one of the ablest and most trustworthy of the Liberal leaders, and in 1876 he had described himself as 'a moderate Protectionist'. 'If the view of the subject be taken,' he said, 'that Free Trade must be the ultimate policy of any nation, it yet cannot be denied that Protection is a matter of necessity for a young nation, in order that it may attain the full development of its own resources. . . . The most obstinate Conservative must admit that freedom is the natural condition of trade, and the most obstinate Liberal must also allow that, though it would never do to build a Chinese wall around the country in order to cut us off from the outside world, yet sometimes it is both wise and prudent to establish on our frontiers a few detached forts to protect our territory against foreign invasion.'

---

[1] *Life of Sir Wilfrid Laurier*, vol. i, p. 213.

With Mackenzie, however, the defence of Free Trade doctrines was much more a matter of principle. After the election was over he wrote, on October 9, 1878, to Lord Dufferin that they had resisted a policy which would be deeply injurious to the masses, and that the masses had turned and rent them. He added: 'Any action which will to any extent assimilate the commercial system of Canada to that of the United States will, to that extent, weaken the ties which bind her to the Empire, and which it was the aim of my administration to strengthen and perpetuate. We already find that the advocates of a customs union, or *zollverein*, with the United States—which system really means a political alliance with that country—are greatly encouraged by the results of the election.'

The general election of 1878, as does not always happen in Canadian, or indeed British, politics, was taken on a simple and single issue—aye or no, were the electors in favour of protection for native industry? Hitherto, such protection as had been obtained had at least worn the guise of being the indirect result of taxation for revenue purposes. Now for the first time the 'National Policy' boldly proclaimed that the national market was the province of the Canadian manufacturer and farmer. Nor with the complete triumph of their party did the Protectionists show themselves wanting in the courage of their convictions. It is impossible to summarize in a few lines the contents of a tariff which occupied thirteen pages of *Hansard*. Specific duties were so far as possible substituted for *ad valorem*, and Mr. Tilley, who had again become Minister for Finance, explained that the intention was to make them high enough to prevent Canada from

The 'National Policy'.

remaining a 'slaughter market' for American manufacturers. Two millions of dollars additional revenue were expected from customs duties; but, so far as possible, these were to be obtained from goods coming from foreign countries and not from Great Britain. The general policy was to select for a high rate of duty those articles which were manufactured or could be manufactured in Canada, and to leave without additional duties such articles as were neither made nor likely to be made by home manufacturers. The policy thus formulated has become the settled policy of the Canadian people, and there seems little prospect of its being reversed.

'Canada first' group.

This 'National Policy', however, had another side to it than the desire of manufacturers and workmen to grow rich by the exclusion of the foreigner. It represented in its way the feeling after national unity which was the goal aimed at by confederation. As early as 1869 the 'Canada first' group had been formed, the objects of which included the absorption of mere sectional and local prejudices in a larger national movement. The men who constituted this group could hardly be called a party, in that they differed from each other in opinion, and finally were found in very different camps; but they had this in common, that they infused a new spirit into public life which was gradually to grow in influence. The beginnings of the movement were indeed connected with the somewhat squalid controversy over the question of Riel, the group deeply resenting the interference of Quebec politicians with the course of justice; but its foundations rested on much deeper ground. The most active of the founders was Mr. W. A. Foster, a brilliant lawyer, who died young. In an address delivered in 1871, he said: 'Let but our statesmen do their duty with the consciousness that all the elements which constitute greatness are now awaiting a closer combination; that all the requirements of a higher national life are here available for use; that nations do not spring Minerva-like into existence; that strength and weakness are relative terms, a few not being necessarily weak because they are few, nor a multitude necessarily strong because they are many; that hesitating, doubting, fearing, whining over supposed or even actual weakness, and conjuring up possible dangers, is not the true way to strengthen the foundations of our Dominion or to give confidence in its continuance. Let each of us have faith in the rest, and cultivate a broad feeling of regard for mutual welfare, as becomes those who are building up a fabric that is destined to endure. Thus stimulated and thus strengthened by a common belief in a glorious future, and with a common watchword to give unity to thought and power to endeavour, we shall attain the fruition of our cherished hopes, and give our beloved country a proud position among the nations of the earth.'[1]

A group which contained amongst its supporters Mr. Goldwin Smith and that most imperialist of Canadians, Colonel Denison, the chairman of the Canadian branch of the British Empire League, could not be considered a party; all the greater was its influence in permeating the views of different parties. Already, in 1874, Mr. Edward Blake, who was amongst its members, spoke of the necessity of undertaking national responsibilities, if a national spirit was to be fostered. At the time he looked forward to imperial federation as the solution of the problem with regard to the four millions of Britons in Canada who were not free; by such reorganization of the empire a wider and higher destiny would be open to Canada as a member of the great British Empire.

Imperial federation.

Customs Union with United States.

The growing-pains of nations are, however, sometimes hard to bear, and before the economic depression which was felt in Canada during the eighties the courage of many failed; so that it was felt that commercial union with the United States was the only line of safety. In 1887 this movement, originally organized by Mr. Erastus Wiman, a Canadian by origin, who, without being naturalized, had become for all practical purposes, an American, obtained much support. The Americans, it was believed, were willing to treat Canada fairly. Should it be found necessary, in order to reach a settlement, still further to alter the relations between Canada and the mother-country—to demand the right, for instance, to let American goods in free, whilst maintaining high duties against Great Britain—the question would have to be boldly faced. Having ceased to protect Canada, it was said, England could not very well object to her protecting herself by the only means within her power. In any event the Canadian people should be allowed to express themselves on the offer. It was of no use continuing to boast of responsible government if their higher politics were to be regulated by a Board over which they had no control. The Toronto *Globe* maintained that a great service would be rendered to Great Britain by a trade arrangement that would remove all causes of dispute between Canada and the States. Closer trade relations with the United States could not occur without yielding new profits to Canadians, and to obtain larger profits under existing political institutions would tend to preserve them. The only temptation to annexation was that which arose from existing restraints upon reciprocal trade. Canada, united politically with Great Britain, and commercially with the United States, would be a living link of friendship between the two.

---

[1] *Canada First, a memorial to the late W. Foster, Q.C.*, pp. 46–7.

Opposition to such union.

But, however plausible such arguments might sound, there was a deep-seated conviction that such a commercial union must end in political annexation to the United States. Moreover, the Canadian manufacturers were seriously alarmed at the prospect of the free importation of American goods. The Toronto Board of Trade passed resolutions refusing to entertain any proposal which would place Great Britain at a disadvantage compared with the United States, or that would tend in any way to weaken the bonds holding Canada to the empire. Commercial union was repudiated on the ground that it could not be obtained without the abandonment of Canadian nationality.

The Liberals and commercial union.

In this state of things it was important to know what would be the attitude of the Liberal party on the new issue. In October, 1887, Sir Richard Cartwright declared, in a qualified manner, for commercial union. He maintained that the refusal or failure to secure free trade with the United States was much more likely to bring about the danger of annexation than even the very closest commercial connexion that could be conceived. On the other hand, Mr. Laurier had before, in August, expressed the opinion that a great deal of study and reflection were needed before commercial union could be advocated. He was more inclined to favour the idea of a commercial union among the nations recognizing the sovereignty of Great Britain. Meanwhile, an interprovincial conference, which met at Quebec in 1887, declared that unrestricted reciprocity would be of advantage to all the provinces of the Dominion, and need not interfere with its loyalty. But the feeling against commercial union was strong amongst the Liberal rank and file. There were many who agreed with Mr. Chamberlain that commercial union with the United States meant political separation from Great Britain. A course was therefore advocated which, while putting aside commercial union, should advocate in its stead full and unrestricted reciprocity. It is difficult to see how, considering the complications of the case, absolute reciprocity could be put in force without a common tariff.

Reciprocity.

Still, in the then state of the Dominion, the need for reciprocity appeared so great that in 1891 the Conservative Government suddenly dissolved Parliament, and went to the country with a programme which included a renewal of the reciprocity treaty of 1854, with the modifications required by the altered circumstances of the time. But an indignant denial by Mr. Blaine, the American Secretary of State, that any negotiations were on foot for a reciprocity treaty with Canada, or that any scheme for reciprocity, confined to natural products, would have the slightest chance of acceptance by the United States, led to a change of front; and to a fierce attack by the Conservative leader upon a policy of disunion. In Sir John Macdonald's last address to the people of Canada, dated February 7, 1891, he declared that the policy of his Government remained what it had been for thirteen years, that of fostering and developing the varied resources of the Dominion by every means within their power, consistent with Canada's position as an integral portion of the empire. After a glowing eulogy of the 'National Policy', he asked what had been the attitude of their opponents. Consistent at least in this, they had opposed with craven fears every measure of improvement. Disappointed with the failure of all their predictions, the reform party had now taken a new departure and had announced a policy of unrestricted reciprocity with the American republic. Such a policy would inevitably result in the annexation of Canada to the United States; and would necessitate the imposition of direct taxation amounting to not less than fourteen millions of dollars annually upon the people. But the material objections did not stand alone. The question to be answered was this: Should they endanger their possession of the great heritage of British citizenship bequeathed to them by their fathers? Macdonald's confidence was unclouded that they would proclaim to the world their resolve to show themselves not unworthy of the proud distinction that they enjoyed, of being numbered amongst the most dutiful and loyal subjects of the Queen. 'As for myself,' he concluded, 'my course is clear. A British subject I was born, a British subject I will die. With my utmost effort, with my latest breath, will I oppose the veiled treason which attempts, by sordid means and mercenary proffers, to lure our people from their allegi-

Macdonald's address to people of Canada.

ance. During my long public life of nearly half a century I have been true to my country and its best interests, and I appeal with equal confidence to the men who have trusted me in the past and the young hope of the country, with whom rest its destinies for the future, to give me their united and strenuous aid in this my last effort for the unity of the empire and the preservation of political and commercial freedom.'[1]

Reply by Mr. Mowat.

Viewed in the light of subsequent history, and the preference granted by a Liberal Government to Great Britain, the note of this address may seem exaggerated and unfair. Mr. Oliver Mowat, the Ontario Liberal leader, repudiated the charge of 'veiled treason'. There was, he declared, but a fragment of the people, either Conservatives or Reformers, who did not love the British connexion. He had lived a British subject for more than threescore years, and hoped to live and die a British subject still. The sentiment of the country was far stronger than their opponents pretended. Their opponents were afraid of being Yankeefied if they got unrestricted reciprocity. He was not afraid of being Yankeefied by any such thing. For those who were jealous for British interests, it was well that this was so; because the result of the election was considerably to diminish the ministerial majority. In spite of the appeal to British patriotism, the Government were beaten in Ontario no less than in Quebec, the majority being obtained from the other provinces. But the policy of the Liberal leaders had not won the approval of Mr. Edward Blake, the leader of the party from 1881 to 1887, who was now in retirement and had refused to be nominated again in his old constituency. About the close of the election he issued a letter, in which, after expressing approval of a limited reciprocity, which was no longer obtainable, and denouncing the 'National Policy', 'which has left us with a small population, a scanty immigration, and a North-West empty still; with

Mr. Blake's letter.

---

[1] Printed in Pope, J., *op. cit.* vol. ii, App. xxviii.

enormous additions to our public debt and yearly charges, an extravagant system of expenditure, and an unjust and oppressive tariff . . . with lowered standards of public virtue and a death-like apathy in public opinion . . . with a subservient Parliament, an autocratic Executive, debauched constituencies, and corrupted and corrupting classes'—he went on to explain that unrestricted free trade with the United States would give the three blessings of men, money, and markets; but any feasible plan of unrestricted reciprocity involved differential duties; and also involved the substantial assimilation of the tariff of the two countries. This being so, it appeared impossible to distinguish between unrestricted reciprocity and commercial union. But were free trade with the States secured to Canada, high duties being maintained against Great Britain, the inevitable tendency would be towards political union between Canada and the United States. The subject was, then, one of great moment, towards the practical settlement of which no step should be taken without reflection, or in ignorance. If commercial union was to come about, it ought to come as an incident, or, at any rate, as a well-understood precursor, of political union, for which indeed Canada would be able to make better terms before than after the surrender of her commercial independence. Believing that the decision of the trade question involved that of the constitutional issue, for which the country was wholly unprepared, and with which it did not even conceive itself to be dealing, he was unable at the present time to recommend commercial union. Asked further to explain these disquieting statements, Mr. Blake declared that 'political union with the States, though becoming more probable, is by no means an ideal, or as yet our inevitable future'.[1]

The arguments of the letter certainly went to justify Sir John Macdonald's indictment, and in bye-elections in 1892

---

[1] Willison, *op. cit.* vol. ii, pp. 172–8.

Subsequent events. the Liberals lost ground. Moreover, it soon became yet more apparent that the Americans were determined to give no reciprocity which did not include an agreed list of manufactured goods, and which did not compel Canada to give preferential treatment to the United States as against Great Britain. The McKinley tariff, which imposed high duties on Canadian raw products, further tended to alienate the two nations, and in 1893 the Liberal National Convention contented themselves with emphasizing the advantages of a reciprocity treaty and the impossibility of obtaining one from a Government controlled by monopolies and combines. The Liberal party was prepared to enter into negotiations with a view to such a treaty, including a well-considered list of manufactured articles, and was satisfied that any treaty so arranged would receive the assent of the British Government, without whose approval no treaty could be made.

Joint High Commission. When the Liberals came to power, in 1896, an attempt was made to give effect to this policy. The joint High Commission, which met in 1898, considered, among various other questions, the trade relations between the two countries. Whatever chance there was of agreement was wrecked in the failure to come to any settlement of the Alaska boundary question. But, in any case, the temper at the time of the American Republican party was not such as to make the prospects of any settlement bright, and, further, the rule of the American Constitution, requiring treaties to have the assent of a two-thirds majority in the Senate, is at all times an obstacle to their ratification. In this state of things the Government of Sir Wilfrid Laurier was able to gain general approval by a new departure in fiscal policy. As we have seen, he had always described himself as a moderate Protectionist, and it was not likely that a moderate statesman of his type would attempt ruthlessly to attack the vested interests which had grown up under the tariff. The new tariff introduced by the Finance Minister, Mr. Fielding, in

Preference to Great Britain.

April, 1897, did, however, in several directions, modify the protective duties in force; and on that ground won the approval of that strict Free Trader, Lord Farrer. The feature, however, which most attracted attention in the new tariff was the preference given to British goods. This preference began at 12½ per cent. and was to be raised to 25 per cent. on July 1, 1898. In 1900 the duties on British goods were further reduced to 33⅓ per cent. below the duties imposed under the general tariff. In 1897 the matter was complicated by the provisions of treaties of Great Britain with Belgium and Germany, giving to the imports from these countries 'the most-favoured-nation treatment'. It was sought, but without success, to meet this difficulty by providing that the minimum tariff should apply to any country which gave Canadian goods equally favourable treatment. These treaties were, however, denounced by the British Government in 1897, and the preference was afterwards openly given to Great Britain. Under the tariff of 1907 the details of preference have undergone some modification, but the principle, except so far as modified by the intermediate tariff offered to foreign nations, still holds the field. It has not only arrested the decrease of British exports to the Dominion, but has apparently greatly stimulated Canadian export trade to the United Kingdom.

AUTHORITIES

On Tariff question, T. S. Willison, *op. cit.* vol. ii, chapters xix–xxiii and xxvi.

Ross and Buckingham, *op. cit.*

Life of George Brown. By Alexander Mackenzie.

J. Pope, *op. cit.* vol. ii, chapter xxiv. Appendix xxviii contains Macdonald's last address to the people of Canada.

On Riel, see Willison, *op. cit.* vol. ii, chapters vii and viii, and *The Remarkable History of the Hudson's Bay Company.* By Dr. George Bryce.

Canada under Lord Dufferin's Administration. By Dr. George Stewart.

Houston, *op. cit.*, sets out new instructions to Lord Lorne.

Canada and the Canadian Question. By Goldwin Smith. Toronto and London. 1891.

CHAPTER IV

STRUGGLE BETWEEN CENTRAL AND PROVINCIAL AUTHORITIES

Constitutional views of Macdonald.

The tariff issue once raised is an Aaron's rod, which swallows up other questions, inasmuch as it appeals to the private interests of men. Nevertheless, behind the clash of the tariff controversy other tendencies were at work. It has already been noticed that Sir John Macdonald was in favour of a legislative rather than a federal union, but that he had to yield to the will of the majority. It is therefore not surprising that in the years during which he was the powerful Prime Minister we find a tendency to exalt the powers of the Central Government as against the provincial authorities. Canadian political history in the years following confederation will perhaps be best understood by grouping together some examples of this struggle between the central and provincial powers.

Dismissal of Mr. Letellier.

We have already noted that the relations between the Dominion and provincial governments required the exercise of tact and of restraint. Towards the close of the Mackenzie administration Mr. Letellier de St. Just, the Lieutenant-Governor of Quebec, summarily dismissed his Conservative Ministry, practically for the reason that he did not like them. His action was generally recognized as arbitrary and unfair; but it was so far endorsed by the people of the province that they gave the new Ministry a majority of one at the next election. The Liberal Dominion Government had refused to interfere on the broad ground that it was a matter exclusively relating to provincial constitutional rights. When, however, Sir John Macdonald again became Prime Minister, under strong pressure from his French Canadian supporters, he recommended to Lord Lorne, the Governor-General, that Mr. Letellier de St. Just should be removed from office. The question seemed a difficult one, and, with the approval of his Ministers, Lord Lorne sought the advice of the Colonial Office. In reply it was pointed out that a provincial Lieutenant-Governor had an indisputable right to dismiss his Ministers if from any cause he felt it incumbent upon him so to do. At the same time he was bound to maintain impartiality, and was directly responsible for any action he might take to the Governor-General. But the latter could only act 'by and with the advice of his Ministers', so that the conclusion was reached that there was practically no appeal from the verdict of a hostile Federal Ministry. At the same time the home Government suggested that the Dominion Ministry should reconsider their decision. The latter, however, persisted in the dismissal. Though apparently within the law, the dismissal of Mr. Letellier de St. Just was a high-handed proceeding, little to be expected from a statesman of the type of Macdonald. It is, moreover, noteworthy that the episode is not mentioned in Sir John Macdonald's authoritative 'Life.'

Redistribution Act.

The same tendency to exercise from Ottawa a superintending jurisdiction over provincial affairs was shown in the Redistribution Act of 1882. The representation of Ontario, by the result of the Census, had to be increased from eighty-eight to ninety-two, and opportunity was taken of this to alter entirely the character of the constituencies. The measure ignored the principle of representation by counties and their subdivisions, which Macdonald himself in 1872 had declared to be most valuable. It was, he had said, a grand principle that the people of Canada should have the opportunity of choosing for political promotion the men in whom they had the most confidence. All that advantage was lost by cutting off a portion of two separate counties and adding them together for electoral purposes only. Such a system tended towards the introduction of the American system of caucuses and wirepullers. When the representation was increased it should be by subdividing counties into ridings. Nevertheless, the very method of procedure which he had previously condemned was the one now adopted. It was openly boasted of as an ingenious method of 'hiving the grits', and the Prime Minister made merry over the Reformers not liking each others company.

Reform Bill.

The Reform Bill of 1885 was, so far as it merely claimed to deal with the Dominion as a whole, little open to objection. The British North America Act of 1867 had expressly contemplated that the suffrages in use for the election of the several Provincial Legislatures should only be employed for elections to the Dominion Parliament till that body had dealt with the subject. It was, therefore, not on the face of it unreasonable that Parliament should, nearly twenty years after the date of confederation, claim to exercise its legal rights. There was, however, practical force in the contention that each province was best fitted to determine the franchise suited to its conditions. Thus, if Prince Edward Island preferred manhood suffrage and Quebec one more restricted, it seemed unreasonable that either should be dictated to by an outside authority. Moreover, the bill was open to the grave objection that the preparation of the lists of voters was placed in the hands of federal revising barristers, with great powers, who in some cases exercised such powers in the interests of the party appointing them. The principle of uniformity of franchise for all the provinces was abandoned during the passage of the measure, and a right of appeal secured to the courts from the revising barristers. Even so, the measure proved unpopular in its working, and was afterwards repealed in 1898 when the Liberals succeeded to power.

As an illustration of the extreme difficulty which attends the assignment of their respective functions to the central

Law as to licences.

and provincial authorities under the Canadian Constitution, may be cited the case of the law relating to licences. Under the British North America Act the regulation of saloons and taverns rested wholly with the provincial authorities. At the same time the Dominion Parliament had power to make laws 'for the peace, order, and good government' of the country as a whole. Under these provisions it was held[1] that a provincial Act passed by the Legislature of Ontario in 1874, which required a licence to be obtained before selling spirituous liquors wholesale, was beyond its jurisdiction. Such a licence was not an exercise of municipal or police power, but a restraint and regulation of trade, and not direct taxation in order to raise a provincial revenue. In 1878 a Temperance Act passed by the Dominion Parliament, which gave power under certain conditions to the majority of the inhabitants of towns and parishes to regulate the sale of liquor, was held by the Privy Council[2] to be an Act not dealing with matters of purely local concern, but one relating to the peace, order, and good government of Canada. Laws, it was explained, which were designed for the promotion of public order, safety, or morals, and which subjected those who contravened them to criminal procedure and punishment, belonged to the category of public wrongs rather than to that of civil rights. They fell within the general authority of Parliament, and had direct relation to criminal law, which was one of the enumerated classes of subjects assigned exclusively to it.

In 1883 the Dominion Government, on the ground that it was desirable that there should be uniformity of law on the subject throughout Canada, and that provision should be made for the preservation of law and order, passed an Act which in effect prescribed in detail the methods of the sale of liquor on licensed premises. Meanwhile an Ontario statute of 1877, dealing with the management of public-houses, was declared by the Privy Council to be within the powers of the Provincial Legislature, and an Act was therefore passed by the Dominion Parliament in 1884 referring the question of the constitutionality of the Dominion Liquor Licence Act of 1883 to the Supreme Court of Canada, which held (and their decision was confirmed on appeal) that the Act, so far as it interfered with provincial rights as to the details of management, was *ultra vires*.[1]

---

[1] In *Severn* v. *The Queen*, Can. Sup. Court R., vol. ii, pp. 70–142.

[2] In *C. Russell* v. *The Queen*, 7 App. Cas., p. 829.

Ontario boundary question.

A further bone of contention between the Dominion and provincial authorities appeared in the case of the Ontario boundary question. When Manitoba was acquired by the Dominion it became necessary to know the exact boundaries between that province and Ontario, which had never been exactly defined. In 1878 three arbitrators chosen by the Dominion and Ontario Governments considered the question. They consisted of an Ontario Chief Justice, Sir Francis Hincks, for the Dominion, and Sir Edward Thornton, the British Minister at Washington, chosen as an independent third. They arrived at a unanimous decision under which Ontario extended north to Albany river and as far west as the Lake of the Woods. The Ontario Legislature accepted the award and gave legislative effect to it so far as was possible; but the Dominion took no action upon it. In 1881 an Act was passed declaring the eastern boundary of Manitoba to be 'a line drawn due north from where the westerly boundary of the province of Ontario intersects the international boundary line dividing Canada from the United States of America'. By these means Manitoba was drawn into the fray, and there were rival attempts of the officers of the two provinces to exercise authority in the lands in question.

The simple question at issue was, whether or not the award was binding. The question was of importance, as it involved the ownership of a vast tract of land, which if it was part of Manitoba would belong to the Central Government;

---

[1] See Bourinot, *op. cit.*, pp. 107-14.

while if it was part of Ontario that province would have the benefit of it. Sir John Macdonald declared the award to be waste paper, while in Ontario feeling ran very high in its favour, and it was stoutly defended by Sir Oliver Mowat, the Provincial Premier. At last, in 1884, a case was arranged for reference to the Privy Council for their decision. The Dominion Government withdrew from the suit, but the case was argued for Ontario and Manitoba. The Court held that the award was not binding, inasmuch as legislation had not been passed by Parliament to give effect to it, but that the boundary lines laid down by that award between Ontario and Manitoba were substantially correct. In 1889 the Imperial Parliament, in accordance with an address from the Canadians, passed an Act declaring the western, northern, and eastern boundaries of Ontario.

Education.

The question above all others, in a country where different provinces hold different religions, which might be expected to trouble the Central Parliament, was that of religious education. The clause in the British North America Act relating to education had been carefully drawn with a view to protecting existing rights. Although the Provincial Legislatures were given power to legislate on the subject, such legislation was subject to certain provisions. Nothing in any such law should prejudicially affect any right or privilege with respect to denominational schools which any class of persons had by law in the province at the union. It was further enacted that all the powers, privileges, and duties, conferred and imposed at the union in Upper Canada on Roman Catholic separate schools and trustees, should be extended to the dissentient schools, Protestant and other, in Quebec. The effect of this legislation was to secure denominational schools where they previously existed, but to give no undertaking regarding the future where they were not already in being.

There is no reason to question Macdonald's statement, made in introducing a measure relating to separate schools in

1855, that if he could have had his own way there would have been no separate schools; but the call for respecting the consciences of others was as strong in 1867 as it had been twelve years earlier. Accordingly when it was sought to embroil the Dominion Government with the New Brunswick Legislature, which had passed a measure in 1871 establishing a general system of secular education, Macdonald refused to interfere on the ground that the denominational system hitherto in force had been a matter of private arrangement and was not sanctioned by law.

Education question in Manitoba.

In 1871 a system of denominational education was established in Manitoba, and under the Manitoba Act of 1870 the provisions of the British North America Act respecting laws passed for the protection of minorities in educational matters were made applicable to Manitoba and could not be changed. Macdonald therefore honestly believed that the separate school system in Manitoba was beyond the reach of either the Provincial Legislature or the Dominion Parliament. In 1890, however, a new Act was passed by the Provincial Legislature, indirectly destroying the denominational schools, by establishing universal secular education. According to the original intention of the Dominion Government, such action was beyond their powers, but the wording of the Manitoba Act had been to the effect that no legislation might be passed which prejudicially affected any right or privilege with respect to denominational schools which any class of persons had by law or practice at the union. On this language it was held by the Privy Council that the only privilege which Roman Catholics enjoyed at the union was the right or privilege of establishing such schools as they preferred and of maintaining these by their own contributions; and of this right or privilege they were not deprived by having to pay rates for undenominational schools. It was in vain that Sir George Cartier had added the words 'schools existing by practice' as well as 'by law' before the union, so as to secure their continued existence and maintenance from the public funds.

A further point was taken under another section of the Manitoba Act, which provided that an appeal should lie to the Governor-General in Council from any act or decision of the province affecting any right or privilege of the Roman Catholic or Protestant minority relating to education. The Privy Council held that the Dominion Government could interfere under this section. It was certainly not essential, they explained, that the statutes repealed by the Act of 1890 should be re-enacted, or that the precise provisions of those statutes should again become law. As the system of education embodied in the Act of 1890 no doubt was approved by the majority of the inhabitants, all legitimate grounds of complaint would be removed if that system were supplemented by provisions which would take away the grievances upon which the appeal was founded.

It must be remembered that Sir John Macdonald died in 1891, and though his successor, Sir John Thompson, was in many ways well adapted to deal with a difficult situation, as a Roman Catholic convert from Methodism, he would have been confronted with special dangers. In any case, he also was removed by death, in December, 1894, and the Conservative Ministry, under Mr. Mackenzie Bowell, behaved in such a way as inevitably to aggravate the original ground of quarrel. The situation at best was most difficult. There was in Quebec the solid Catholic vote which required satisfaction in return for its support, while in Ontario there were many strong Conservatives who were bitterly opposed to Roman Catholicism. A Protestant Protection Association, a secret society introduced from the United States, made religion the test question in politics. M. D'Alton McCarthy, a member of Parliament, who distinguished himself by his attacks upon the French Canadians and their language, had gained a considerable following in Ontario, so that there was every need for cool and deliberate counsels. But the Dominion Government, instead of seeking by negotiations to find a basis of compromise, proceeded to a formal investigation, followed by a decision, without any inquiry upon the spot or attempts to come to terms. A peremptory order declared that it seemed requisite that the new system of education should be supplemented by a provincial Act which would restore to the Roman Catholic minority the rights and privileges of which they had been deprived. The Provincial Legislature was threatened that Parliament might be compelled to give the relief of which under the Constitution the Provincial Legislature was the proper and primary source. The order commanded the provincial authorities to restore to the Roman Catholics the rights of which they had been deprived, and to modify their legislation accordingly. Attempts at a settlement came to nothing, the Manitoba Legislature being in no yielding mood. A memorial was drawn up embodying the Manitoba case. It set out the defects of the system of education which the Statute of 1890 had been intended to abolish, and the great expense to the people which that system entailed. It insisted that the order had been made without obtaining the knowledge of local conditions which was necessary for a right decision of the case. In return, the Manitoba Government was informed that, unless they made a settlement of the question which should be reasonably satisfactory to the Roman Catholic minority, the Dominion Parliament would be summoned in the beginning of 1896 and the necessary legislation pressed forward.

Dissensions in minority.

Meanwhile, dissension was rife in the Dominion Ministry. In January, 1896, during the debate on the address, Sir Mackenzie Bowell was deserted by six of his colleagues, on the ground of his avowed incapacity. After unsatisfactory attempts to reconstruct his Cabinet, Bowell resigned in April, and Sir Charles Tupper, who was recalled from the High Commissionership in England, was brought into the breach to revive by his vigour and adroitness the waning fortunes of his party, but though Sir Charles fought magnificently the situation was beyond remedy. The Manitoba Government offered to remedy every well-founded grievance and to remove any injustice that might be proved. In this way the true interests of the minority would be better secured than by means of coercive legislation. A dissolution of the Manitoba Assembly showed that the great majority of the province was in favour of the Provincial Government's policy. An attempt to settle matters by negotiations between Federal Commissioners and the provincial authorities was made too late for any good results to follow, and a remedial measure was introduced into the Dominion Parliament. It would seem that the whole course of the Conservative Government was a series of blunders. To begin with, the Act was of a very drastic character, giving effect to the extreme demands of the Roman Catholic Church. Moreover, it was not introduced at the opening of the session, and as Parliament would be dissolved by effluxion of time on April 24, the opportunities for obstruction were great. The bill was read a second time by a majority much reduced from that on which the Government could generally count, and within a week of the end of the session Sir Charles was obliged to confess himself beaten and the bill was abandoned.

Settlement of question.

In the general election which followed the Liberals were victorious, so that it devolved upon them to settle the Manitoba school question. In February, 1897, the Lieutenant-Governor of that province was able to announce that the question whether the public school system of the province should be superseded by federal legislation, and that existing before the passing of the Act of 1890 be reimposed, had been settled by a harmonious conference between the federal and provincial Ministers. Under this settlement religious teaching was allowed in the schools during certain hours, when authorized by the majority of the trustees of the district in which the school was situate, or upon a petition presented by the parents or guardians of ten children attending a rural school, or of twenty-five attending a city, town, or village school. In the schools of cities where the average attendance of Roman Catholic children was forty or upwards, and in those of villages and rural districts where the average attendance of such children was twenty-five or upwards, the trustees should, if required by the parents or guardians of such numbers of Roman Catholic children respectively, employ at least one duly certificated Roman Catholic teacher, the same privilege being secured to Protestant minorities. In the case of ten children in any school speaking French or another language as their native tongue, the teaching should be conducted in French or that other language and English, on the bilingual system. The settlement was very favourably received in Manitoba and throughout the Dominion; but it was deeply resented by the Roman Catholic bishops, and, so far as it lay in their power, the bed of the Roman Catholic French Canadian Prime Minister was made no bed of roses.

Dispute with regard to railways

As a further instance of the power of a province to obtain its own way, when thoroughly in earnest, may be noted the case of the quarrel between the Dominion and Manitoba regarding the extension of railways in that province.

We have seen that the Dominion Government covenanted with the Canadian Pacific Railway that no competition should be allowed for twenty years to the south of its main route. Manitoba proceeded as if the agreement had never been made; and, after much remonstrance and controversy, it became necessary, in 1888, to buy out the exclusive rights of the Canadian Pacific Railway.

How far disputes between the central and provincial authorities were in the nature of things inevitable, and how far they have been the outcome of faulty drafting of the Act of 1867, it is impossible to say. Every one, however, who has read Canadian history will allow that in the case of a federation the immediate cause of which was the failure of union, and not aspirations after closer connexion, difficulties and friction were inevitable. Still, upon the whole, we can happily distinguish centripetal tendencies, making for material unity, which in the long run must prevail over provincial prejudice. In this connexion it has been fortunate that for the last ten years the Prime Minister of the Dominion has been one who has been, in a singular and conspicuous fashion, able to reconcile the triune patriotisms of province, country, and empire.

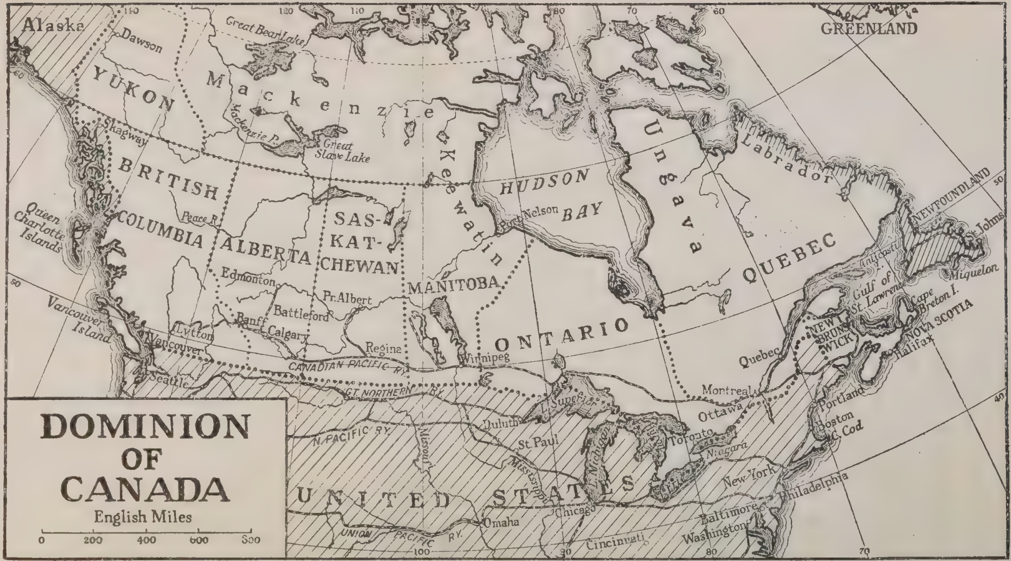
AUTHORITIES

The main authority for the subject here dealt with are Cases in the Privy Council. See Cartwright, *op. cit.* *Law Reports, Appeal Cases.* Lefroy, *op. cit.*, and Bourinot, *op. cit.*

Willison, *op. cit.*, contains much on the subject here dealt with. On Letellier's dismissal see Todd's *Parliamentary Government in the British Colonies*, pp. 405–28.

Sir Oliver Mowat, by C. R. W. Biggar. Toronto, 1905. 2 vols.

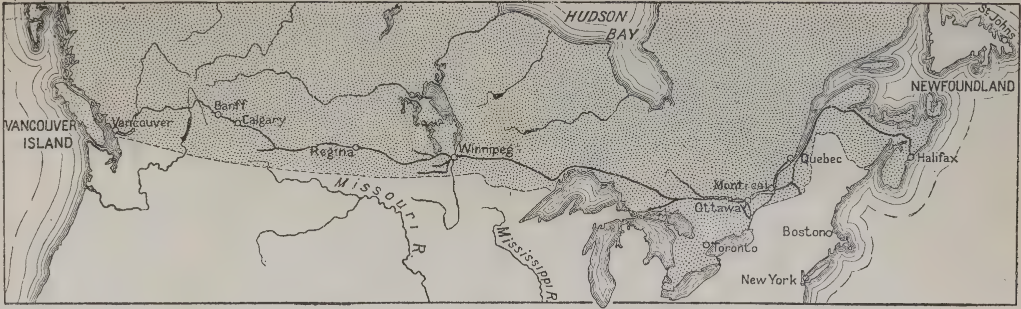
Sir John Thompson, by J. C. Hopkins. Toronto, 1894.


DOMINION
OF
CANADA
English Miles
0
200
400
600
800
Alaska
Dawson
YUKON
Skagway
Mackenzie
Great Bear Lake
Mackenzie R.
Great Slave Lake
BRITISH
COLUMBIA
Queen Charlotte Islands
Vancouver Island
Vancouver
Seattle
Lytton
Peace R.
ALBERTA
Edmonton
Banff
Calgary
Battleford
SAS-KAT-CHEWAN
Pr. Albert
Regina
Keewatin
MANITOBA
Winnipeg
HUDSON BAY
Port Nelson
Ungava
Labrador
QUEBEC
ONTARIO
GREENLAND
NEWFOUNDLAND
St. Johns
Miquelon
Anticosti
Gulf of St. Lawrence
Cape Breton I.
NOVA SCOTIA
Halifax
NEW BRUNSWICK
Quebec
Montreal
Ottawa
Toronto
Niagara
Portland
Boston
C. Cod
New York
Philadelphia
Baltimore
Washington
Cincinnati
Chicago
L. Michigan
L. Superior
Duluth
St. Paul
Mississippi
Missouri
Omaha
UNITED STATES
CANADIAN PACIFIC RY.
GT. NORTHERN RY.
N. PACIFIC RY.
UNION PACIFIC RY.
140
120
110
80
70
60
50
40
100
90

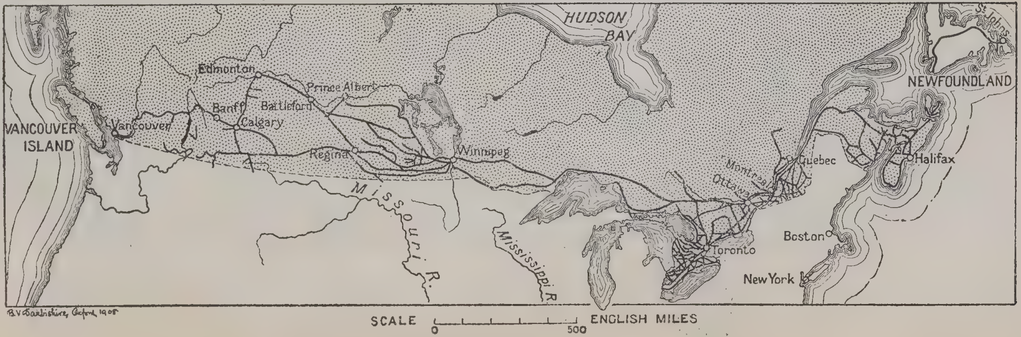
NOTE. By the Boundaries Extension Act of 1912 the provinces of Manitoba, Ontario and Quebec were enlarged by the addition of areas that were previously part of the North-West Territories. Manitoba now extends to the 60th parallel of north latitude between the eastern boundary of Saskatchewan and the western shore of Hudson Bay; and from the point where the northern boundaries of Manitoba and Ontario formerly coincided it extends due north and north-east to the point where the 89th meridian of west longitude intersects the southern shore of Hudson Bay. Ontario extends to the southern shore of Hudson Bay, the new western boundary of Ontario coinciding with the new eastern boundary of Manitoba. Quebec was enlarged by the addition of the territory of Ungava and that part of Labrador which belongs to Canada.

The Dominion showing Railways in 1887

From maps in the Canada Handbooks of 1887 and 1907, issued by Emigrants' Information Office, 31 Broadway, London, S. W.


HUDSON BAY
St Johns
NEWFOUNDLAND
VANCOUVER ISLAND
Vancouver
Banff
Calgary
Regina
Winnipeg
Quebec
Halifax
Montreal
Ottawa
Boston
Toronto
New York
Missouri R.
Mississippi R.

The Dominion showing Railways in 1907.


HUDSON BAY
St Johns
NEWFOUNDLAND
VANCOUVER ISLAND
Vancouver
Edmonton
Prince Albert
Battleford
Banff
Calgary
Regina
Winnipeg
Quebec
Halifax
Montreal
Ottawa
Boston
Toronto
New York
Missouri R.
Mississippi R.
B.V. Darbishire, Oxford 1908
SCALE
0
500
ENGLISH MILES

CHAPTER V

THE DOMINION OF TO-DAY

Lord Lorne Governor-General.

THERE remain to note some later events of Canada which have not already found mention. Sir John Macdonald, we have seen, was in favour of converting Canada into a subordinate kingdom. The change seemed too great for British statesmen to accept; but Lord Beaconsfield, to whom such an idea would have been very attractive, chose as a successor to Lord Dufferin the son-in-law of Queen Victoria. In spite of their loyalty, Canadians of the severe type of Alexander Mackenzie had looked forward with apprehension to the new departure, fearing that the pomp of a court might injuriously affect the frugal simplicity of Canadian social life. It proved that the ordinary mode of life of Princess Louise and Lord Lorne was less ceremonious than that of their distinguished predecessors, and such fears were soon forgotten in cordial respect and affection. It has already been noted that the Governors of Canada under the union were, without exception, men of great ability, and though the first Governors after confederation, Lord Monck and Lord Lisgar, were no less capable than their successors, more recent Governors have known how to evoke a somewhat different feeling, due to changed conditions. The task of the Governor-General is to present the imperial idea under its most attractive form, and from this point of view Lord Dufferin, Lord Lorne, Lord Lansdowne, Lord Stanley, Lord Aberdeen, Lord Minto, and Lord Grey have each in their several ways done good service to the British connexion. With the complete fulfil-

Rôle of Governor-General.

ment of responsible government, the name of the Governor-General may occur less frequently upon the page of history; none the less, as the lives of statesmen testify, their influence may be just as great, although it is not seen upon the surface.

Parliament of 1882.

In the general election of 1882 the Conservatives returned to power, though with reduced strength. The chief task which fell upon them was that of maintaining the contract before mentioned for the construction of the Canadian Pacific railway, and more than once it was only the strong hand of Macdonald which held his colleagues firm before the fierce attack of the Opposition. Another question of much less importance caused even greater difficulty, and aroused all the feelings of racial and sectarian antagonism by which Canada is from time to time convulsed.

Riel.

The name of Riel was destined to be one of ill-omen for the rulers of Canada. After the expiration of his period of banishment he was living as an American citizen in Montana, when the wrongs of the half-breeds in the North-West Territories brought him again upon the stage of Canadian politics. There can be no question that these half-breeds had been badly treated. Those born in Manitoba before July 1, 1870, received each 240 acres of land in compensation for the loss of their former rights; but no similar provision was made for the half-breeds in the Territories. Their claims were strongly pressed by the Council appointed for the North-West Territories, by Archbishop Taché, and by the officer whom Sir John Macdonald selected to report upon the matter. An Act was therefore passed in 1879 giving the Government the power to make such arrangements as seemed expedient. But then, unfortunately, the whole matter was allowed to lie dormant. The negligence of the officials appears to have been gross and inexcusable, and to have largely contributed to the subsequent insurrection, while, as in Manitoba, the action of the Government surveyors greatly added to the fears and discontent of the half-breeds.

In vain the Government was warned by those who knew the temper of the people of the certainty of rebellion if no remedies were applied. Mr. Willison quotes from Colonel G. Denison's *Soldiering in Canada* the trenchant criticisms of that very independent witness. 'The whole dispute was over some forty or fifty thousand acres of land in a wilderness of tens of millions of acres, for which the Government were longing for settlers. It cost Canada the lives of two hundred of her people, the wounding of many others, the expenditure of about six million dollars in cash, and the losses of time and business that cannot be estimated.'[1]

The half-breeds, weary with waiting, sent a deputation to Montana, 700 miles on foot, to invite Riel to become their leader in the enforcement of their claims. A bill of rights, which combined demands which were reasonable with others of a most extravagant character, remained without answer, and in March, 1885, the North-West rebellion broke out.

North-West rebellion.

A Provisional Government was proclaimed, with Riel as President; a post containing all the Government and Indian supplies was taken, and a detachment of police and volunteers, who attempted to recover it, were beaten back with the loss of twelve lives. Behind the danger from the half-breeds, who were not numerous, there was the danger of an Indian rising, which was not yet a thing of the past. Prompt and vigorous measures were therefore taken for the suppression, volunteers coming forward in great numbers. The dealings of the Federal Government with the Indians had on the whole been fair and humane, and though individual 'braves' went on the war-path, most of the bands remained quiet. The half-breeds were finally defeated in May, and Riel, having been captured and indicted for high treason, was tried at Regina and found guilty. Much controversy took place upon the question whether or not he had become insane. The jury, however, found that he was responsible for his actions, and he was found guilty and afterwards hanged. Riel may have been no common criminal; there was indeed in him a vein of religious mysticism which raised him above such, and he had behaved well at the time of the threats of a Fenian rising; but he assuredly did not deserve that the fate of Governments should hang in the balance concerning him, or to be the appointed minister to fan into a flame the never quite quenched embers of racial hatred.

---

[1] Willison, *op. cit.* vol. i, p. 435.

Position of Ministry.

Upon the whole, this melancholy and somewhat discreditable affair seems to have worked politically in the interests of the Macdonald administration. The voters of Ontario had neither forgotten nor forgiven the murder of Scott, and were ready to overlook the blunders which had rendered possible the new insurrection in their satisfaction that the guilty had at last paid the penalty. In Quebec the execution of Riel may have lost some votes. On the eve of the general election of 1887, the issue of which he thought very doubtful, Macdonald remarked that they were going to the country for its verdict upon their policy and general administration of the public affairs of Canada; yet they stood to be defeated, not by reason of anything that they had done or left undone, but in Quebec because in the ordinary course of justice a rebel had suffered death for his crimes, and in Ontario because Lord Salisbury would not grant Home Rule to Ireland. (The manner in which Sir John Macdonald, in 1882, 1886, and 1887, managed to edit the Home Rule motions in the Dominion Parliament so as to avoid offending either the Canadians or opinion in Great Britain was a remarkable specimen of his parliamentary tact.)

Mr. Laurier Opposition leader.

In the new Parliament of 1887, Mr. Blake, who had been the leader of the Liberal Opposition since the retirement of Mackenzie in 1881, resigned that post owing to bad health, and was succeeded, after an interregnum caused by his own reluctance, by Mr. Laurier.

The times were especially difficult for a Roman Catholic.

Jesuits in Quebec. Mr. Mercier, the Prime Minister of the Quebec Government, brought forward in 1888 a measure which gave the Jesuits a large money compensation in lieu of their lands which had been confiscated at the time of the British conquest. This bill excited the most bitter indignation among the Protestant population. It was urged that it ought to be disallowed by the Dominion Government in that it endowed from public funds a religious organization, recognized the right of the Pope to interfere in a matter of purely Canadian concern, and endorsed the Society of Jesus, which history had proved to be the enemy of every civil government. Neither the Dominion Government nor the leader of the Opposition approved of the measure, but both were agreed that its subject-matter was one of provincial concern only, having relation to a fiscal matter entirely within the control of the Legislature of Quebec. With their leaders remaining firm, the great majority of the members of the Dominion House of Commons kept cool, and a motion demanding the disallowance of the Act received only thirteen votes.

Death of Macdonald. We have already seen that the death of Sir John Macdonald on June 6, 1891, involved the eventual collapse of his Government. It was fitting that a splendid tribute to him whom Mr. Laurier called 'Canada's foremost citizen and statesman' should have been made by Canada's greatest orator. 'The fact,' he said, 'that he could congregate together elements the most heterogeneous and blend them into one compact party, and to the end of his life keep them steadily under his hand, is perhaps altogether unprecedented.' His statesmanship was written in the history of Canada. His life from the time of entering Parliament was the history of Canada. Mr. Laurier on this occasion sank all differences and remembered only the great services Macdonald had performed, that his actions always displayed great originality of view, unbounded fertility of resource, a high level of intellectual conception, and above all a far-reaching vision beyond the event of the day, and still higher, permeating the whole, a broad patriotism, a devotion to Canada's welfare, Canada's advancement, and Canada's glory. He concluded: 'It may indeed happen that when the Canadian people see the ranks thus gradually reduced and thinned of those upon whom they have been in the habit of relying for guidance, a feeling of apprehension will creep into their heart, lest perhaps the institutions of Canada may be imperilled. Before the grave of him who, above all, was the father of confederation, let not grief be barren grief; but let grief be coupled with the resolution, the determination, that the work in which Liberals and Conservatives, Brown and Macdonald, united, shall not perish, but that, though United Canada may be deprived of the services of her greatest men, still Canada shall and will live.'

Position of Laurier.

As we have seen on more than one occasion, the special work of Mr. Laurier, in promoting this Canadian unity, had been, by boldly withstanding the hierarchy of his own Church, gradually to wear down the falsehood of extremes. The battle against Liberal Catholicism has been in Quebec often very fierce, but for the present it would seem that the view of Rome is accepted that the Liberal Catholicism, which is anathema, is Catholicism which meddles with Liberal theology, and that in the field of politics a man may remain a good Catholic, although he votes with the Liberal party.

Alaska boundary question.

We saw that after the San Juan boundary award it was thought that questions of disputed boundary between the United States and Great Britain had at last come to an end, under the impression that all that was needed in the case of Alaska was the actual delimitation of a boundary line which was certain. The boundary line between the Russian and British possessions in North America had been drawn in 1825. It started from the southernmost point of Prince of Wales Island, and ran thence to the north along

Portland Channel, up to that point of the continent where it intersected the fifty-sixth degree of north latitude. From this point it followed the summit of the mountains parallel to the coast until it intersected the 141st degree of west longitude, and was carried along that meridian to the Arctic Ocean. The whole of Prince of Wales Island was assigned to Russia, and wherever the summit of the mountains above described proved to be at a distance of more than ten marine leagues from the ocean, the line should be drawn parallel to the windings of the coast at a distance from it never exceeding ten marine leagues.

Free navigation of the rivers which flowed into the Pacific Ocean was conceded to British subjects, and by the Treaty of Washington the navigation of the rivers Yukon, Porcupine, and Stikine was for ever to remain free and open to both British and American citizens. Although some futile attempts were made to arrive at a settlement, the boundary question seemed of small importance until the discovery of the Klondyke goldfields, in what is now the Yukon district of the North-West Territories, completely changed the aspect of affairs. A great influx of miners found the most ready means of entering the country to be the passes beyond the head of the Lynn Canal inlet, which lay within the American line of coast. Negotiations in 1898 and 1899 to arrive at some settlement led to nothing, and after the United States had definitely declined an arbitration treaty on the lines of the Venezuela Boundary Convention, it was at last agreed, in 1903, that a joint commission of six impartial jurists of repute should be constituted, three of whom were to be appointed by the United States and three by the British Government. The difficulty of finding absolutely impartial jurists was great, and of the American members of the Commission the opinions of two were well known. The British representatives were the Lord Chief Justice of England, the Lieutenant-Governor of Quebec, and a distinguished Canadian King's Council.

The points at issue were what was the point at which the boundary line began; which channel was the Portland Channel; how the line should be drawn from its beginning to the entrance to the Portland Channel; to what point on the 56th parallel and by what course it should be drawn from the head of the Portland Channel; what was meant by the provision that the line should follow the crest of the mountains running parallel to the coast at a distance nowhere exceeding ten marine leagues from the ocean; and what were the mountains meant by the treaty.

The main practical question involved was whether the ten leagues should be measured from the open sea or from the head of the inlets, some of which ran far into the land. The result of the latter contention holding good would be to give to the United States control of the main lines of communication with the Klondyke mining district. The Court was agreed in deciding that the boundary line began at Cape Muzon, the southernmost point of Dull Island on the western side of Prince of Wales Island; and that the Portland Channel was the channel which ran from about 55° 56′ and passed seawards to the north of Pearse and Wales islands; but on the more important questions at issue there was difference of opinion, the three Americans being on one side and the two Canadians on the other, while the English Chief Justice supported the contention of the former. Thus by a majority of four to two it was decided that the outlet of Portland Channel to the sea was the strait known as Tongas Channel, and that the boundary should run along that channel and pass to the south of two islands known as Sitklan and Khannaghunut, giving the ownership of these islands to the United States; it was further decided that the line from the 56th parallel of north latitude to the point of intersection with the 141st degree of west longitude should run round the heads of the inlets and not cross them. This meant the success of the main American claim, because it gave to the United

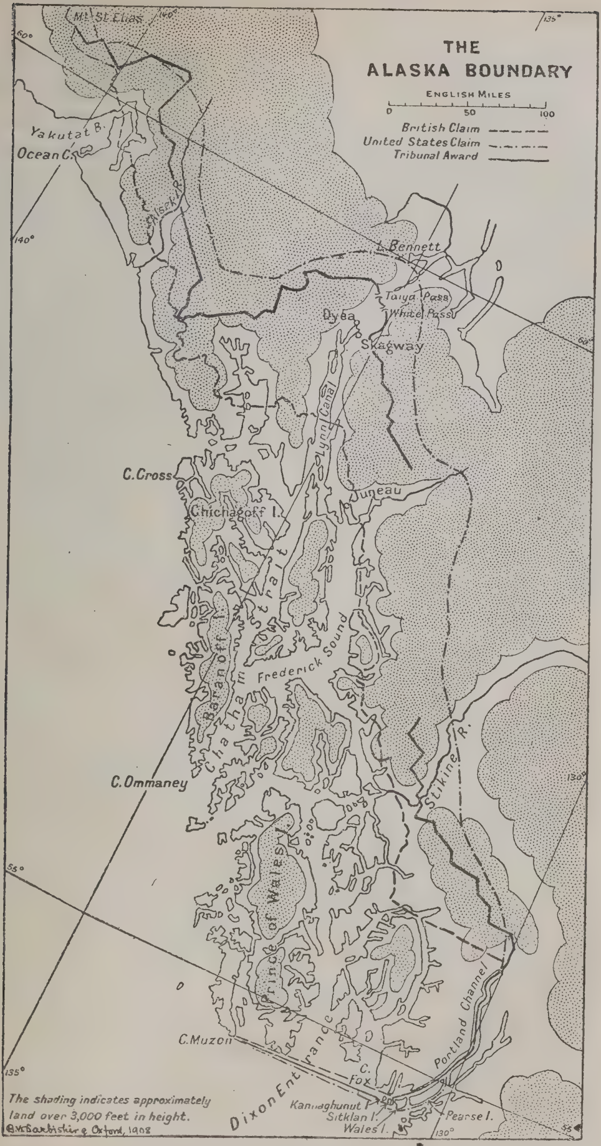
States the command of the sea approaches to the Klondyke mining districts, and included within American territory two islands lying near to the future terminus of a new trans-Canadian railway.

The result of the findings was received with very different feelings in the United States and in Canada. President Roosevelt telegraphed from Washington congratulating 'the impartial jurists of repute' on the greatest diplomatic victory of the century, while in Canada strong language was used against the English Chief Justice, and even the cautious Prime Minister threatened that it might be necessary for the Dominion to take its own diplomatic work into its own hands. It may be hoped, however, that, so far as boundary questions are concerned, the end has been reached of controversies which have added little to the reputation of any of those who had been concerned in them.

Western development.

But while the political life of the country has gone on during the last few years on much the old lines, by far the most important event of recent history has been the wonderful material development which is taking place in Western Canada. Amongst those of little faith there had been great disappointment that the building of the Canadian Pacific railway had not been followed by more immediate results. In the striking letter of Mr. Blake addressed to the West Durham electors, in March, 1890, which has been already mentioned, the North-West was spoken of as 'empty still'. It is true that, before the construction of the railway, there had been a certain amount of immigration to the North-West by Scottish farmers, but even after the railway was opened the Canadian North-West had a formidable competitor in the Western States of America, the Dakotas, Nebraska, and Iowa, as well as Northern Michigan, Minnesota, Wisconsin. Moreover, such emigration as there was to Western Canada consisted to a considerable degree of foreigners, Galicians, Russians Doukhobors (Christians of the Universal

From a map in Parliamentary Papers (United States No. 2, 1904).



THE ALASKA BOUNDARY

ENGLISH MILES
0
50
100
British Claim
United States Claim
Tribunal Award
Mt. St. Elias
140°
60°
135°
Yakutat B.
Ocean C.
Alsek R.
140°
L. Bennett
Taiya Pass
White Pass
Dyea
Skagway
60°
Lynn Canal
C. Cross
Juneau
Chichagoff I.
Chatham Strait
Baranoff I.
Frederick Sound
C. Ommaney
Stikine R.
130°
55°
Prince of Wales I.
Portland Channel
C. Muzon
Dixon Entrance
C. Fox
Kannaghunut I.
Sitklan I.
Wales I.
Pearse I.
135°
130°
55°

The shading indicates approximately land over 3,000 feet in height.

B.V. Darbishire & Oxford, 1908

Brotherhood), and others. With the opening, however, of the twentieth century, the future of Western Canada began to be realized. The emigration figures to Canada went up by leaps and bounds, until in 1906 the arrivals numbered nearly 216,000, being nearly 71,300 more than in the previous year. The late Minister of the Interior, Mr. Clifford Sifton, did much to encourage emigration, and to help the settlement of the newly arrived emigrants, and the present Minister of Agriculture, Mr. Fisher, has worked hard to promote amongst them scientific methods of farming. In the year 1881 the present provinces of Manitoba, Saskatchewan, and Alberta had a population of 105,681, inclusive of 22,783 Indians, and an area of 56,971 acres in wheat. In 1891 the total population was 219,305; and the area in wheat was 1,010,430 acres. In 1901 the population was 419,512, and the area in wheat, barley, and oats was 3,491,413 acres. In 1906 the population was 808,863, and the area in wheat, barley, and oats, was 7,915,611 acres. The number of farms increased from 31,815 in 1891 to 54,625 in 1901, and to 120,439 in 1906. Winnipeg, the capital of Manitoba, which in 1870 had hardly 300 inhabitants, has now a population of over 90,000, and Brandon, about 130 miles to the west of Winnipeg, has a population of over 10,000.

New provinces.

To meet the development which was taking place, the new provinces of Saskatchewan and Alberta were in 1905 carved out of the North-West Territories. The boundary between the two new provinces is the 110th degree of west longitude, Saskatchewan being bounded on the east by Manitoba and the territory of Keewatin, and Alberta on the west by British Columbia. The capital of Saskatchewan is Regina, and of Alberta, Edmonton; both of which are rapidly rising in importance. It is difficult to grasp facts by statistics, but the words which Lord Strathcona has prefixed to Mr. Howard Angus Kennedy's *New Canada and the New Canadians* serve to make us realize what has been done in one man's

Lord Strathcona on western development.

lifetime. 'When I first went there,' he writes, the North-West 'was very difficult of access, and indeed could only be approached with any comfort, and not much of that, through the United States, or by canoes by the Ottawa river, Lake Huron, Lake Superior, and the rivers and lakes, with portages between, through what were then the wilds of Rupert's Land on to Lake Winnipeg. At that time Winnipeg did not exist. Between Fort Garry and the Rocky Mountains there was no settlement on the great prairies, except here and there some Hudson Bay's post or an Indian encampment. In those days the buffalo still roamed over the plains, though in decreasing numbers . . . The position of Western Canada to-day is very different. Now there are railways in every direction, and further lines are being built each year to accommodate those who are making their homes on the prairies. . . . The population is rapidly increasing, but only the fringes of the fertile plains are occupied, and there are still less than a million people between the great lakes and the Rocky Mountains . . . There is no reason why Western Canada should not become as important and as well-populated as the western territories of the United States. And the fact that people are flocking across the boundary from the latter country is evidence of the advantages which are offered under the British flag.'

American immigration.

This exodus of the American farmer to the Canadian west has been one of the most striking features of the new development. The pressure of population has raised the value of land in the American States, thus making it difficult for the settler without capital to prosper, and offering temptations to the pioneer farmers to dispose of their lands to immigrants from the Eastern States, and to embark upon new virgin soil in Canada. A great number of these Americans are described as Canadians, who are returning to their native country, and immigrants of foreign origin, very largely Germans. But the American new element is sufficiently strong to make men ask, what significance has the movement upon the future of the Dominion as a portion of the British Empire? It is satisfactory to be told by shrewd observers that the Americans in Western Canada are perfectly content with the political institutions which they find in their new home, and are in no wise inclined to work for annexation to the United States. During the last few years, moreover, the proportion of British to foreign immigration has somewhat increased, and though it might be unreasonable to expect in these western districts the passionate imperial patriotism which is still felt in the old provinces by descendants of British Empire loyalists, there is no valid ground for apprehending any immediate danger to British connexion from the new population.

Imperial sentiment.

At the same time, the same observers, whose accounts are, on the whole, reassuring, warn us of the necessity of cultivating by all means possible communication and intercourse between Great Britain and these new communities. The recent cheapening of the carriage of newspapers, in 1907, should do much to this end, and in this connexion it would be idle, whatever may be our views on tariff questions, to ignore the warnings addressed to us by loyal subjects of the King in the eastern provinces, who say that by a small preference on Canadian wheat the material advantages of British citizenship might be brought home to men, whose present attitude is one tending towards indifference.

Railway development.

To those who have followed, however cursorily, the difficult beginnings of the Canadian Pacific railway, the present situation of railway development will seem startling; and yet that such development should go on at a quickened rate appears the main present economic need of the country. Besides the Canadian Pacific railway, the Canadian Northern and the Grand Trunk Pacific will furnish other transcontinental lines from east to west, and there is the possibility of a fourth line to connect with the Great Northern system of the United States. The great cause of delay in the building of railways is the scarcity of labour; but with the demand will in time follow the supply.

New national type.

But it is not right that a history of British Canada, however imperfect, should close with the statement of mere material development. Man does not live by bread alone, and the more important question must ever be—What kind of national type are these great material advantages bringing into life? To no single country have perhaps upon the whole more talents been given. From none, then, can more be reasonably required. Starting as a stronghold of some of the best features of old French life in a new continent, maintaining that respect for God and for the family which are the corner-stones of national permanence, French Canada was conquered, though not absorbed, by a race which could claim parallel virtues. By the side of the French Canadian, the Scottish element in Upper Canada and Nova Scotia presents features of a no less persistent type. How great has been that influence is well shown by the number of Canadian statesmen who have been of Scottish origin. Sir John Macdonald, George Brown, Alexander Mackenzie are the most conspicuous names in a list which would run to great length.

In Canada nature is so far reluctant that her gifts cannot be obtained without effort, and the difficulties in the way make men rise to the occasion, without exposing them to the danger of useless sacrifice. The existence of different provinces and different districts of the same province has prevented the agglomeration of population in large centres, one of the most disquieting features of modern civilization. As we meet it in England, the new national type which is arising is in some ways a blend of the American and the British types. That American civilization has invaded, and will increasingly invade, Canada cannot be denied, and the national character has already much of the quickness, the absence of *mauvaise honte*, the adaptability, which we think of as peculiarly American. Still, the fundamental qualities of the Canadians revert to British and French ancestors, and there is no broadly marked distinction in their case, as in the United States, between the nervous dyspeptic business man of the eastern cities and the hardy western farmer.

'In spite of our boasted civilization and Christianity, behaviour in war is still, perhaps, the ultimate test of the virtue of nations; and tried by that standard the experience of the South African War would seem to show that the Canadian would not be wanting. What the political future may be we cannot tell, but though the wonderful growth of this already great nation must bring in its train new political problems for Canada and for the Empire to solve, it may safely be said that the prospects of the maintenance of the British connexion are far brighter than they were forty years ago, when the Dominion first came into being. The Imperial Conference held at Ottawa in 1894 struck a new note in Canadian public life which must grow in volume; and the establishment of an imperial penny postal system is a powerful missionary of the British connexion. Meanwhile, under the scheme founded by Mr. Rhodes, many of the leading Canadian public men will carry with them throughout life traditions and beliefs learned at Oxford.

To those brought up under old traditions the chief danger threatening Canada would seem to arise from its own too great prosperity. The Greek and the Jew agreed that it was an ominous sign for a man when all things went smooth to him. The idea that those whom God loveth He chasteneth, and that only from the furnaces of trial and affliction can come out the wrought-iron of chosen men and peoples, has sunk deep into our convictions, and finds apparent justification in the facts of history. Perhaps the true moral may be the same as in the case of the rich man of the Gospel. Prosperity no more than riches is a bar to the attainment of the highest;

it only makes that attainment more difficult and more a matter of wonder. The ring of Polycrates, which will not return upon the hands of those sacrificing it, is the cultivation on a large scale of the kindly charities of social life, which were easier in darker days to the choice spirits among those who were linked by common misery or by common wrong.

AUTHORITIES

On the North-West rebellion, see Willison, *op. cit.* vol. i, chapter xvi, and *Soldiering in Canada*, by G. T. Denison. Toronto, 1901.

Mr. Laurier's speech on the occasion of Sir John Macdonald's death is set out in Pope, *op. cit.* vol. ii, appendix xxx.

On Sir Wilfrid Laurier's relations with the Roman Catholic Church, see the very interesting chapters in Willison, *op. cit.*

On the material development, apart from newspapers, &c., use has been made of *New Canada and the New Canadians.* By Howard Angus Kennedy. London, 1907.

There is a valuable report to the Board of Trade on the North-West of Canada, drawn up in 1904 by James Mavor, Professor of Political Economy in the University of Toronto.

See also *Problems of Greater Britain* by Sir Charles W. Dilke, 2nd ed. 1890, vol. i, part 1; *Canada in the Twentieth Century*, by A. G. Bradley, 1906; and *Le Canada, les deux races*, par André Siegfried, Paris, 1906 (an English translation of which was published in 1907).

CHAPTER VI

THE DOMINION OF TO-DAY (*continued*)

At the close of the first edition of this volume it was suggested that the one thing lacking in the making of the Canadian character was the trial of adversity. Six years before the Great War no one could have foreseen how soon would come Canada's testing-time, or, much less, the splendid response she would make to it. But though Canada's doings in the War and the new national consciousness, that has been their outcome, are the leading features of the recent history, a few words must be given to prior developments.

We have seen how, with the progress of the West, it became necessary to carve out new political members of the Dominion from what had been, for the most part, uninhabited territory. Whether from the economic, social, or political point of view, the growth in population and wealth of the Provinces of Manitoba, Saskatchewan, and Alberta is the outstanding fact in the internal history of twentieth-century Canada. The population of these Prairie Provinces increased 305 per cent. between the beginning of the century and 1916, 110 per cent. between 1906 and 1916, and 28 per cent. between 1911 and 1916. Incidentally the growth of the West gave the opportunity to improve the federal character of the Canadian Senate. No tinkering could make it other than an unsatisfactory Second Chamber; but an increase in its numbers from eighty-seven to ninety-six (which took effect in 1918) enabled the four Western Provinces to receive equal treatment, as a unit, with Ontario, Quebec, and the Maritime Provinces. Under the new arrangement Manitoba, Saskatchewan, Alberta, and British Columbia are each represented by six senators. Nor was it merely that a new population was coming into being, calling a new West into existence to redress the balance of Eastern ascendency; a great proportion of the new settlers came from the United States, and there were gloomy forebodings as to what their attitude might be on questions affecting the British connexion. On the other hand, the years immediately preceding the War witnessed a British migration to Canada such as threw past records into the shade. In 1913 there arrived from the United Kingdom 150,542 immigrants, the number from the United States being 139,009.

And even with regard to these American settlers it would seem that they are willing to accept Canadian nationality, and even to acquiesce in the fact of the British connexion, though, naturally, not with the enthusiasm of those who are bred of the bone of the United Empire Loyalists. At any rate, except the newly arrived immigrants from Great Britain, no portion of the Canadian people responded more cheerfully to the demands of the War, or recognized more fully the necessity of conscription, than did the people of the Prairie Provinces.

But though the development of the West occupies the background of the history, it is difficult in a summary to do it any justice, except by tables of statistics which fail to come home to the imagination of the ordinary reader.

Putting, then, aside this aspect of the picture, the two important events in the seven years preceding the War were the political disputes over the Navy question and over the question of reciprocal trade with the United States. These questions became so intertwined that it will be best to deal with them in the order of time. With regard to the first, Sir Wilfrid Laurier, who had been for so many years the interpreter of Canadian opinion to British statesmen, had always taken up a position of extreme caution. Sooner or later, he recognized, Canada must help to provide for her own naval defence; but the time was not yet; and, meanwhile, the one thing to avoid, at all hazards, was the payment of anything in the nature of tribute money for the upkeep of the British fleet. But the German bid for naval equality, if not pre-eminence, in 1909, served to bring what had hitherto been an academic question into the field of practical politics. He would form a singularly false estimate of Laurier's political belief who should not realize how fully, in his own way, he recognized the obligations imposed on Canada by her membership of the British Commonwealth of Nations. In 1909 the Canadian Parliament unanimously passed a somewhat lengthy resolution, giving strong expression to such recognition; and in the following year the Naval Service Act was passed, the object of which was to make a beginning in the direction indicated at the Subsidiary Conference on Imperial Defence held in London in the summer of 1909. It is easy to sneer at tinpot navies; but at least the measure started Canada on a course which might admit of great developments. The real point at issue, as Mr. (Sir Robert) Borden clearly recognized, was, how far was there a pressing emergency, calling for exceptional treatment? If there was, then a measure such as the Naval Service Act was a mere Mother Partington's broom, with which to encounter the Atlantic. Mr. Borden was in favour of giving substantial help to the mother country in her hour of need. At the same time he already recognized that such help could not be maintained, unless Canada were given a voice in the decision of policies that might mean the issue of peace or war.

Meanwhile, another question was looming on the horizon, which was, as its outcome, to give Mr. Borden his opportunity to attempt to give effect to his naval policy. We have already seen that ever since the abrogation by the United States of the Treaty of 1854 some form of reciprocity with the United States had been in the minds and hopes of both political parties in Canada; but it had been always the case that from Canada came the advances, and their rejection, in not too courteous a fashion, had come from America. Now at last the rôles were reversed, and the United States Government showed itself in earnest in seeking reciprocity. The motives at work were clearly explained by President Taft. In the case of a neighbour, such as Canada, with a similar standard of living and social outlook, there was no reason for a protective tariff, such as was necessary against the products of the sweated labour of European States. The filling up of the American West and the general increase of population would soon necessitate the importation of such articles as Canada could produce. A further argument, which deeply impressed the President and shrewd business men, such as Mr. James Hill, the Chairman of the Great Northern Railway, was that, unless the Americans took time by the forelock, a British *zollverein* might block the way against any closer union between Canada and the United States. But this latter argument was a two-edged sword, because it could be called in aid by those Canadians who approached the question from the political, rather than the economic, standpoint. The maladroit bluster of the leader of the democratic party in the House of Representatives, who openly welcomed reciprocity as a half-way house to annexation, may not have given a fair reflection of American public opinion; still the feeling in Canada increased in strength and volume that the arrangement involved a betrayal of imperial loyalties.

It had been agreed that the negotiations should not take the formal shape of a treaty, the two Governments merely pledging themselves to use their utmost efforts to effect the changes agreed upon, by concurrent legislation at Washington and Ottawa. The general character of the agreement was to admit certain products or articles free into both countries, such as live animals, wheat, &c., and, in the case of others, to establish lower and identical duties. Whilst the negotiations were being carried on, the British Ambassador at Washington, Mr. J. (Lord) Bryce, was in the position of an interested onlooker, acting as *amicus curiae*. No opportunity, he declared, had been lost in their course of reminding the Canadian Ministers of the regard which it was right and fitting that they should have to imperial interests; and he was not disposed to believe that their success would, to any considerable extent, prejudice British interests. No more in Canada than in the republics of Latin America, to which the United States Government had sought to extend its Pan-American propaganda, did there seem a likelihood that a freer interchange of commodities would lead to closer relations of a political kind.

Nevertheless, if the agreement led, as it inevitably would lead, to closer commercial intercourse between Canada and the United States, it would, inevitably lessen the advantage given to British imports by the preferential tariff, an advantage which had, by the way, been already lessened by the establishment of an intermediate tariff under which countries like France obtained favourable treatment. Moreover, though the agreement did not apply, except to a very limited degree, to manufactured articles, the powerful manufacturing interests of Canada regarded it as the thin end of the wedge, and offered to its ratification an active and determined resistance. This resistance found expression in the Canadian House of Commons; and at last Sir W. Laurier, wearied with the long-drawn struggle, dissolved Parliament, leaving it to the electors to decide between the parties.

The outcome of the general election of 1911 was that the long period of power of the great French-Canadian statesman came to an abrupt close; and that the remaining years of his life were passed in the shades of opposition. There were special circumstances which added bitterness to Sir Wilfrid's sense of failure. In the English-speaking provinces the contest had been mainly fought on the issue of reciprocity with the United States; and, in Ontario, at any rate, the combination of manufacturing interests and a revival of the Macdonald war-cry, 'a British subject I was born, a British subject I will die', swept the political board. In Sir Wilfrid's own province, on the other hand, little was heard of reciprocity, and Conservatives and Nationalists joined forces in directing their artillery against the measure which had called into life a Canadian Navy. For the time being the Liberal hold on the Province of Quebec was lost, and some twenty-two Nationalists were elected to Parliament; but, in the long run, the consequences of this success were far from being advantageous to the Conservative party.

Be this as it may, Sir Robert Borden came into power, with a majority about the same as that of his Liberal predecessor. His first task was to put into practical shape the views he had put forward regarding the naval question. After a visit to England in the summer of 1912, with three of his colleagues, and fortified by an elaborate memorandum as to naval needs, prepared by the British Admiralty, Sir Robert introduced in December a bill providing for an emergency contribution of money, such as would provide for the cost of three powerful battleships. He fully recognized that a contribution of this kind must not be regarded as a precedent, and that, in time, Canada's assistance to the Empire must take a very different form; but the circumstances were exceptional, and demanded exceptional measures. The cost and difficulty of building battleships in Canada would be prohibitive; and, if Canada was to evolve her own fleet, it was necessary that the beginnings should be made on a modest scale. With regard to the political problem, which he always recognized must find its solution, if Canada was to take a substantial share in imperial defence, Sir Robert held that, as a temporary measure, the presence of a Canadian Minister at the meetings of the British Imperial Defence

Committee, before which questions of imperial policy were considered in their consequences, would serve as a temporary makeshift, the Home Government being ready to welcome such attendance. At the same time Sir Robert fully recognized that something more was necessary if the British Empire were to become a real partnership of free nations.

In reading the records it is impossible to overlook the fact that the Conservatives had made their future work more difficult by their alliance with the Nationalists of Quebec. That Mr. Monk, the protagonist of Quebec opposition to Sir Wilfrid's Naval Service Act, should have started as a member of the new Ministry was bad enough; but it was more serious that the conduct of the election had excited such bitterness in the Liberal ranks that it was difficult for them to judge the proposal dispassionately. Sir Wilfrid, indeed, in opposing it tooth and nail, was only remaining consistent to the policy he had always advocated. His imperialism, though within its limitations genuine enough, had always been of a singularly cautious and limited character. As a sincere Liberal of the Gladstonian type, he was impatient of expenditure on armaments; as a representative, however superior, French-Canadian, he looked askance at being involved in European entanglements; as a party politician, he naturally resented his own personal treatment. A Conservative majority could pass the measure in the House of Commons, though not without trouble and an amendment of the rules of procedure. But when it reached the Senate, the strength of the Liberals in that House could secure its ignominious rejection. The Liberal leader, Sir George Ross, was a strong imperialist; but in the state of things that had come about it was difficult for him to approach the question dispassionately. Moreover, it must always be remembered that the Liberal leaders stoutly denied the existence of an emergency; and, with a division of opinion in Great Britain, to some extent represented in the Cabinet itself, it was difficult to secure a general conviction. During the time the new bill was under discussion nothing had been done to put in force the provisions of the earlier measure; so that, when the War came, Canada, so far as her own naval defence was concerned, was in a worse plight than if Sir Robert Borden had never made his proposals.

As a further factor in the situation it must be remembered that, after a period of fat years, 1913 was a lean year, there being depression, due partly to causes operating throughout the world and partly to over-speculation in Canada itself. In the West especially the confident optimism of the people had led them, in innumerable cases, to count their chickens before they were hatched, with consequences inevitable to such a proceeding.

Whatever might be their internal differences, when the crisis came and the action of Germany, in violating Belgian neutrality, necessitated the declaration of war by Great Britain, there was complete unanimity amongst the responsible leaders as to the part that should be played by Canada. 'I have often declared', Sir Wilfrid Laurier announced, 'that if the mother country were ever in danger, Canada would render assistance to the fullest extent of her power. . . . Pending such great questions, there should be a truce to party strife.'

It is impossible in a bald summary to attempt to do justice to Canada's efforts in the War. At its outbreak the Canadian militia consisted of a permanent force of 3,000 men, and of an active militia of 74,306. A Canadian Expeditionary Force was rapidly assembled near Quebec; and in October, consisting of 32,000 men, it landed at Plymouth. A second and third division arrived in England during the following year.

In February 1915 the first division landed in France and soon gave proof of their mettle at Ypres, Festubert, Givenchy, and Neuve Chapelle. The number of troops recruited in

Canada by the end of 1915 amounted to 212,690; and, in a new year's message for 1916, the Prime Minister announced that the number would be raised to half a million. In fact up to November 30, 1916, 381,438 of all ranks and branches of the service were enlisted. The Canadian troops in France increased to three complete divisions and formed into an army corps, under the command of Sir Julian (Lord) Byng.

But great as had been the effort made by Canada, there was accumulating evidence that, under the voluntary system, there would come a breaking-point. It was necessary to maintain the four divisions serving in the field at full strength; and, considering the inevitable losses and an ominous decline in recruiting, the situation was disquieting. A National Service Board, established for the purpose of increasing enlistments, without interfering with the important industries, did useful work, but a more stringent remedy had to be provided. In this state of things, a bill providing for compulsory military service was introduced into the Canadian Parliament on June 11, 1917, and became law on August 29. It provided for raising a further 100,000 men. As a corollary to this measure a war income tax was also imposed.

Unfortunately, conscription was not decided upon without exciting the most bitter opposition on the part of an important section of the Canadian population. As has been already stated, the Western Provinces accepted the measure as necessary, and the support received from Radicals from the West greatly facilitated the passing of the Government's bill. French Quebec, however, was practically united against conscription; and, by an unhappy coincidence, racial antagonism found a new outlet in this subject of controversy. Sir Wilfrid Laurier had met the Government proposal by an amendment, affirming that the decision of the question should be referred to a popular vote; and though his amendment was defeated, the opposition was none the less bitter and determined. In the city of Quebec it culminated in disturbances, during which some lives were lost; but the French-Canadian Premier of the province, as well as Sir Wilfrid and the leaders of the Roman Catholic Church, set their faces firmly against any breaches of the law; and their influence soon obtained the desired result. To give effect to the new state of things a Coalition Government had been formed in October 1917; and a general election, which shortly followed, gave the Union Ministry a substantial majority. But the very fact that there was, for the time, such substantial unity in the English-speaking provinces threw into fiercer light the gulf that separated them from their French fellow citizens. English-speaking people of a certain class are not noted for scrupulous politeness of behaviour, and doubtless, in the controversy, hard things were thought and said which rankled in the breasts of a proud and sensitive, if somewhat narrow, people. Much controversy has taken place over the question—What were the returns from voluntary recruiting in the different portions of Canada? What seems certain is that only by the operation of a Military Service Act, at the stage which had been reached at the beginning of 1918, could the reinforcements have been obtained for the reserve battalions in England which enabled the Canadian corps to be kept at full strength, with an actual increase of 100 men to each infantry battalion. Notwithstanding the heavy losses sustained in the operations of 1918, the forces engaged were very nearly kept up to their full strength. Figures are, as a rule, dull reading; but it is only by figures that one can gauge the extent of the Canadian effort. Up to the time of the Armistice as many as 418,052 troops had been sent overseas. The total number of enlistments was 595,441; and the total number of casualties reported up to December 31, 1918, numbered 9,989 officers and 204,397 of other ranks, besides 3,575 prisoners of war.

We have seen something of the manner in which the question of conscription in Canada revived racial antipathies. By an unkind fate a fresh subject of controversy was added to the boiling cauldron. A regulation of the Ontario Government (No. 15), issued in 1913, was the starting-point of the controversy. It enacted that English should be the language of instruction in all schools beyond form 1, unless, owing to a pupil's ignorance of English, special leave to employ French had been given by the chief inspector. A further clause was directed against the teaching of French, if it interfered with the teaching of English, and limited it to one hour daily, unless an order of the chief inspector directed otherwise. That, from an educational point of view, much was to be said for the decision of the Ontario authorities seems clear. Many of the small separate schools, no doubt, supplied an education which was of a very defective character. The extreme French claim was that, French being no less than English the official language of Canada, Ontario was a bilingual province; and that, consequently, the regulation in question was *ultra vires* on the part of the Ontario Government. This contention was declared to be wrong by the Privy Council in 1917. The only section, it was pointed out, in the British North America Act, which related to the use of the English or French language, had nothing to do with education, and was directed to a wholly different subject-matter. It should further be noted that the quarrel was not one directly concerned with the religious question, the Irish Roman Catholics being, for the most part, opposed to the French claims.

On the other hand, there was, no doubt, another side to the shield. The Orange Lodges were not filled with a burning zeal for efficiency in educational methods in entering into the fray. The ignorance of the French language amongst English-speaking Canadians, and their disregard and contempt of French beliefs and traditions, have been a lamentable feature in the history of the United Dominion. The extreme nationalist attitude of M. Bourassa may have, indeed, given some excuse to opposing intolerance; but the further question suggests itself—How far was such extreme nationalism the outcome of English methods of behaviour? The long rule of Sir Wilfrid Laurier undoubtedly did much to reconcile the two nations; the English, when they were Liberals at any rate, sharing the loyalty and devotion of the French to the great French leader. Quite apart from party politics, it was a misfortune that, when the Liberal Government fell from power, its successor, for reasons in no way racial, found it practically impossible to obtain any support from the French province. Without forming any judgement on the mysteries of Canadian party distinctions, an outsider may rejoice that the return of the Liberals to power, after the general election of December 1921, means the establishment of a ministry wherein British and French may stand once more side by side on an equal footing.

Before passing to the incidental questions which embittered the last years, we gave some figures which showed how great in quantity was the Canadian effort. But it was not in numbers alone that Canada came to the fore. There was a consensus of opinion, amongst those qualified to speak, as to the quality of her troops. In this connexion it was unfortunate that very many Canadians landed in France after the original British Expeditionary Force had about ceased to be, and when the ravages of war had taken a heavy toll from the men who joined the new army in the first months of the War. Inevitably the physique of many of the British, under conscription, compared unfavourably with that of the men from the Dominions, and contemptuous comparisons were sometimes drawn which did not make for modesty in the attitude of the new nations. Upon the whole, however, the friendly relations established between the people of the different nations, when the Canadians were training in

England, or on leave, or in the hospital, or when they were serving together at the front, supplied a strong link to the chain of the British connexion.

The results, then, of the War, seemed to be, first, that Canada had thoroughly made good her claim to full nationhood ; and, secondly, that the recognition of such claim must somehow be brought about in such a way as not to endanger the future of the new British Commonwealth of Nations which was slowly emerging from the efforts of the past.

A beginning had been made during the War. The Imperial War Cabinet, which sat in 1917 and 1918, recognized the character of the British Empire as a partnership of free nations; each, in its own affairs, completely autonomous, but indissolubly linked for certain defined purposes. It was right and fitting that the Canadian Prime Minister, who, more than any one, time after time, had emphasized the need of Dominion co-operation in defence being accompanied by a share in the control of foreign policy, should have been the Canadian representative at these epoch-making meetings. (General Smuts may have given even more striking expression to the new view, but no one had worked for it more loyally and indefatigably than had Sir Robert Borden.) The character of the Imperial War Cabinet was, indeed, limited by its name ; but Mr. Lloyd George was able to assure the Dominions that, so far as the British Government was concerned, it would welcome the continuance of the system in times of peace ; so that questions of imperial policy should be decided, not by the British Government alone, but by the associated governments, acting after common deliberation.

It would be idle to pretend that this forward policy, for which Sir R. Borden was so largely responsible, received the whole-hearted approval of the Canadian people. The French-Canadians, with their great leader as their spokesman, and such English Liberals as had not joined the Coalition, expressed full content with the old state of things, and were very chary of accepting new powers, if they were to be accompanied by new responsibilities. Some went so far as to throw ridicule on the new claim of nationhood, adopting a tone that was, in fact, profoundly conservative. In this connexion it will be interesting to see what line is taken on this question of imperial partnership by the new Liberal Ministry and by the members of the progressive, or farmers', party, on whom it will partly depend for support.

But, apart from possible reluctance on the part of Dominion statesmen to adopt the new system, there are the practical difficulties in the way of Dominion statesmen leaving their own business and parliaments to attend frequent meetings of prime ministers for imperial objects. The difficulties are less in the way of Canadians than of other Dominion ministers, because of the comparative shortness of the sea passage; but, even in the case of Canada, the difficulty is a serious one. It is matter for reflection that after the War no such meeting of prime ministers was held till 1921; and though it was generally recognized that that meeting did excellent service in clearing the air and establishing a common policy with regard to the Far East, it is extremely doubtful how far these meetings could be repeated annually, unless, indeed, and until flying becomes a more certain means of communication.

It seems, then, that the main centripetal instrument, devised largely by Sir Robert Borden, has yet to prove its normal capacity as a link of union; it remains briefly to consider the centrifugal forces that are also the outcome of the War, and for which Sir R. Borden was also, to a great extent, responsible. That the representatives for the Dominions should sit as members of the Peace Conference was natural enough, after the important part they had played in the waging of the War; but new considerations were raised when the treaty of peace was sanctioned separately by each Dominion, the King acting, in each case, on the advice of his Dominion ministers. Still more emphatically was a new state of things entered upon when the dominions became independent members of the League of Nations, with possible consequences which it is puzzling to contemplate.

The question does not concern us here, but must be mentioned because it profoundly affects the dominion status; and Canada, as the senior of the Dominions, is especially concerned. A suggestive outcome of the new position is the determination of the Canadian Government to have separate diplomatic representatives at Washington. It is true that the relations between Canada and the United States are exceptionally close, and that, under the new arrangement, the position of the Canadian representative will be one of subordination to the British authorities, but it is doubtful how far such a half-way position can remain permanently satisfactory.

But it is not with questions of imperial policy that the average Canadian is mainly concerned, and therefore an account of the recent history, however inadequate, must not neglect the development, material, moral, and social, which went on, before the War, and during it, and after its close. We think of Australia as the natural home of experiments in industrial legislation; and we know that the Liberal leader, Sir Wilfrid Laurier, was as strongly opposed to socialistic tendencies as could be the most stiff-necked Tory. Nevertheless, it was under his government that the Industrial Disputes Investigation Act was passed in 1907, the object of which was the prevention and settlement of strikes and lock-outs in mines and industries connected with public utilities. Whenever a dispute occurs between employers and employees in any industry to which the Act applies, and the parties have been unable to arrive at a settlement, it is provided that no interruption of work, either by a strike or a lock-out, must take place until the questions in dispute have been referred to a Board of Conciliation and Investigation. These Boards consist of three members, one nominated by each of the disputants and the third chosen by agreement, or, failing agreement, by the Minister of Labour. 'The efforts of the Board', it is stated officially, 'are directed to bring about an amicable settlement; and, failing adjustment in this way, to publish the facts disclosed for the information of the disputants and of the public at large, which is thereby enabled to bring the force of its informed opinion to bear on the situation, so as to avoid, if possible, any interruption of work.' Under the law, any proposed changes in wages or hours of work, in the case of mines and public utility industries, must be given notice of at least thirty days before coming into effect; and, in the event of such changes being unacceptable to the other party, the existing wages or hours of work must be continued until an effort has been made to settle the difficulty by negotiation, or by means of a Board of Conciliation. Until the Board has made its report the disputants are restrained, under penalties, from engaging in anything of the nature of a strike or lock-out. In the last resort, if the dispute is not otherwise settled, both sides have the right to accept or to reject the Board's findings, and to cease work or declare a strike or lock-out, as they may see fit. By consent of the parties affected the provisions of the Act may also be applied to the adjustment of disputes in all classes of industry. It would seem that in normal cases the Act has been very successful in bringing about the prevention of industrial deadlock.

It must be remembered that, whilst we still think of Canada as consisting mainly of an agricultural population, the proportion of the urban population, compared with that of the rural, has been steadily growing. In 1901 it furnished 37·64 of the whole. In 1911 the figure had risen to 45·53. Still more striking are the figures if only the older provinces of Ontario and Quebec are considered. In Ontario the rural population actually decreased 52,184 between the two censuses, whilst the urban population increased by 392,511. In Quebec the increase in the rural population was only 39,951, whilst the increase in the urban was 314,383. In this state of things there will be no cause for surprise if Labour in Canada develops more and more political consciousness.

The growth of the urban population has been, to a great extent, due to the expansion of industrial manufactures which followed the adoption of the national policy of protection to native industries. This expansion produced consequences in the field of politics. The Liberal party had in opposition supported free trade; but, when it attained to power, it found the difficulties in the way of moving in this direction so serious that, in effect, little was done except the institution of the preferential treatment of British goods and the subsequent adoption of an intermediate tariff in the case of countries returning a *quid pro quo.* In the years preceding the War the burden of Conservative complaints, regarding the Government policy, was not that it was mistaken in principle, but that it had been filched from the Conservative wardrobe, and that the Liberals were reaping where others had sown.

But, though the powerful manufacturing interests might thus, to a great extent, be placated, it was obvious that this could only take place at the cost of arousing suspicion in those to whom freer trade was the main article of political belief. Undoubtedly it was the conviction that it was a case of King Log or King Stork between the rival parties, with regard to the question of the tariff, that called into being the new Farmers' Party that has become such a force in Canadian politics. The main plank in their platform was a big reduction in the tariff, though it is true that, from the first, they advocated other reforms, which explains why the party has since altered its name to 'Progressive'. Then it was in favour of a direct tax on unimproved lands, a graduated inheritance tax on large estates, a graduated personal income tax, and a graduated income tax on profits of corporations. It was this side of the programme that probably made a special appeal to the workmen of Ontario. We have seen how a marked feature of its later history had been the increase of its urban population; and yet it was in this province, at the provincial elections of 1919, that the Farmers' Party first revealed its unexpected strength. It is true that there were eleven Labour members elected to the provincial legislature, but the thirty-nine representatives of the United Farmers' organization owed doubtless not a little to Labour votes.

The political situation, as it has developed in the Dominion as a whole, is one of no little complication and interest. For the time being, at any rate, the Conservatives are under a cloud. The gradual shedding of its Liberal members weakened the position of the Union Government, and the resignation of the Prime Minister, Sir R. Borden, through ill health, was a further blow, though his successor, Mr. A. Meighen, proved an able and indefatigable substitute. But the Liberals, though the most numerous single party, cannot carry on with credit unless they receive the support of one of the two rival parties. Any support from the Conservatives is out of the question, and therefore the new Prime Minister, Mr. Mackenzie King, approached the Progressives with a view to a Coalition Ministry. Undoubtedly he himself and other English-speaking Liberals would find such a coalition very congenial; but the Progressives regard the matter in another light, and there is a further bar to any real fusion in the attitude of Quebec. That province is still nominally the Liberal stronghold, but Liberalism there means something different from what it means elsewhere. The French-Canadian leaders, Sir Lomer Gouin and the rest, with the full approval of their constituents, have no intention to go any distance in the direction of substantial reductions of the tariff; and it is a little difficult to see how, without Quebec, the party, on its historical lines, can hold its own. So far as imperial interests are concerned, it should be noted that the Farmers' platform, when first issued, put in the forefront of its proposals gradual reductions of the tariff on British imports, having for its object closer union and a better understanding between Canada and the motherland. It advocated reducing the duty on goods brought from Great Britain to one-half the rates charged on the general tariff, with further reductions that would mean complete free trade between Canada and Great Britain in five years' time. The Progressives would no doubt be in favour of reciprocity with the United States; but they would be careful to safeguard, so far as possible, British interests.

In any case, the most noticeable tendency of the present time is the quickening of the movement in the direction of democracy. Thus, even under a Conservative Government, a Combines and Fair Prices Act was passed in 1919. By this Act machinery is provided for the investigation and restraint of harmful combines, monopolies, trusts, and mergers, and for restraining the enhancement of prices of commodities. A Board of Commerce is directed to restrain and prohibit the formation and operation of combines which are operating to the detriment of the public. Investigations are to be thorough and complete; and, if the Board, after investigation, is of opinion that a combine is being formed, it may order that the acts complained of shall cease, failure to obey being punishable by heavy fine or imprisonment. The unreasonable accumulation or withholding of any necessary of life is forbidden. The Board is also empowered to restrain or prohibit the taking of unfair profits.

Again, under an amendment of the Canada Temperance Act of the same year, the Governor-in-Council is authorized, on the request of the Legislative Assembly of a province, to take a vote on the question 'that the importation and the bringing of intoxicating liquors into such province is forbidden'. Similarly, recent legislation regarding labour in the different provinces affords proof of the same tendency.

With regard to railway development, the bold policy of opening up two roads to the Pacific, besides the Canadian Pacific railway, has, as yet, not been attended with financial success. Sooner or later, doubtless, the growth of population will make the new lines to be remunerative; but, meanwhile, the strain, owing to the great cost of materials and labour, has been so great that both the Great Northern and the Grand Trunk Pacific Railways have been compelled to hand over their responsibilities to the Government. The Grand Trunk Railway has also succumbed for the same reasons, and the Canadian railway system is now divided between the Government and the powerful C.P.R., which, owing to the very favourable circumstances in which it took its rise, can still maintain its prosperity under difficult conditions.

The position of Canada as in the main an English-speaking country with a comparatively small population, bordering on another English-speaking country with a population of some 110 millions, must, for many years, continue to be one of anxiety and difficulty. American business methods, American newspapers, and American modes of thought naturally tend to invade their northern neighbour. What is remarkable is not so much American penetration as the stout resistance offered by the Canadian character. As Canadian nationhood strengthens and becomes developed, it will more and more cling to its own idiosyncrasies, and, altogether apart from political annexation, refuse to be absorbed morally and mentally in the melting-pot of the great republic. In this respect the universities have an important part to play, and not the least favourable omen for the future of the country is the manner in which institutions like McGill and Toronto University appear to be rising to the heights of their extended responsibilities. It was an idle dream to suppose that by the creation of overseas colonies Great Britain could secure an expansion of England. Nevertheless, it would be a sorry conclusion if the final product were merely a slavish reproduction of an alien type. As in the past so now, it is still necessary that the spirit of 'Canada first' should inspire the soul of the new nation.

[The main authorities for the contents of this chapter are the annual volumes of *The Canada Year Book* and of the *Canadian Hansard*, together with the *Canadian Annual Review*, by J. Castell Hopkins.]

APPENDIX

BRITISH GOVERNORS OF CANADA.

Murray, James	1763–1766
Carleton, Guy	1766–1778
Haldimand, Frederick	1778–1784
Dorchester, Lord (Carleton)	1786–1796
Prescott, Robert (not resident after 1799)	1797–1807
Milnes, Robert, Sir, Lieutenant-Governor	1799–1805
Dunn, Thomas (Acting)	1805–1807
Craig, James, Sir	1807–1811
Prevost, George, Sir	1812–1815
Drummond, Gordon, Sir (Acting)	1815–1816
Sherbrooke, John Coape, Sir	1816–1818
Richmond, Duke of	1818–1819
Dalhousie, Earl of	1820–1828
Kempt, James, Sir	1828–1830
Aylmer, Lord	1830–1835
Gosford, Earl of	1835–1838
Colborne, John, Sir (Acting)	Feb. 1838–May 1838, and Nov. 1838–Oct. 1839
Durham, Earl of	May 1838–Nov. 1838
Thomson, Charles Poulett (afterwards Lord Sydenham)	1839–1841
Bagot, Charles, Sir	1842–1843
Metcalfe, Charles, Sir (afterwards Lord Metcalfe)	1843–1845
Cathcart, Earl of	1846–1847
Elgin, Earl of	1847–1854
Head, Edmund, Sir	1854–1861
Monck, Lord	1861–1867

LIEUTENANT-GOVERNORS OF UPPER CANADA.

Simcoe, John Graves	1792–1796
Russell, Peter (Acting)	1796–1799
Hunter, Major-General	1799–1805
Gore, Francis	1806–1817
Maitland, Peregrine, Sir	1818–1828
Colborne, John, Sir	1828–1836
Head, Francis B., Sir	1836–1838
Arthur, George, Sir	1838–1841

GOVERNORS-GENERAL OF THE DOMINION OF CANADA.

Monck, Lord	1867–1868
Young, John, Sir (afterwards Lord Lisgar)	1868–1872
Dufferin, Earl of	1872–1878
Lorne, Marquis of	1878–1883
Lansdowne, Marquis of	1883–1888
Stanley, of Preston, Lord	1888–1893
Aberdeen, Earl of	1893–1898
Minto, Earl of	1898–1904
Grey, Earl	1904–1911
Connaught, Duke of	1911–1916
Devonshire, Duke of	1916–1921
Byng, Lord, of Vimy	1921–

PREMIERS SINCE CONFEDERATION.

Macdonald, John, Sir	1867–1873
Mackenzie, Alexander	1873–1878
Macdonald, John, Sir	1878–1891
Abbott, John, Sir	1891–1892
Thompson, John, Sir	1892–1894
Bowell, Mackenzie, Sir	1894–1896
Tupper, Charles, Sir	April 1896–July 1896
Laurier, Wilfrid, Sir	1896–1911
Borden, Robert, Sir	1911–1920
Meighen, Arthur, Hon.	1920–1921
Mackenzie King, William Lyon, Hon.	1921–

LEADING DATES IN CANADIAN HISTORY SUBSEQUENT TO BRITISH CONQUEST.

1763	Proclamation of October 7.
1774	Quebec Act
1775–6	Invasion of Canada by Americans. Siege of Quebec.
1783	Treaty of Versailles.
1784	United Empire loyalists settle in Nova Scotia and Upper Canada.
1784	New Brunswick carved out of Nova Scotia.
1791	Constitutional Act.
1794	Jay's Treaty.
1796	Restoration of Western Posts.
1806	First French newspaper.
1812	War with United States; battle of Queenston.
1813	Battles of Lake Erie, Chateauguay and Chrystler's Farm.
1814	Battle of Lundy's Lane.
1814	Treaty of Ghent.
1818	Acceptance by British Government of undertaking by Lower Canadian Assembly to provide full payment of supplies.
1825	Opening of Lachine Canal.
1828	House of Commons Committee on Canada.
1829	Opening of Welland Canal.
1830	Foundation of Upper Canada College, Toronto.
1832	Opening of Rideau Canal.

1834	Passing of '92 Resolutions'.
1837	Insurrection in Canada.
1838	Lord Durham's Mission.
1839	Publication of Lord Durham's Report.
1839	First Canadian railway.
1840	Act of Union.
1840	Establishment of regular ocean steamship service between Canada and Great Britain.
1841	Local government established in Upper Canada.
1842	Ashburton Boundary Treaty.
1842	Responsible government recognized.
1843	Opening of McGill University, Montreal, and of King's College, Toronto.
1845	Local government established in Lower Canada.
1846	Settlement of Oregon Boundary Question.
1848	Responsible government established in Maritime Provinces.
1849	Local government in Upper Canada made completely representative.
1849	University of Toronto established.
1854	Secularization of Clergy Reserves and abolition of Feudal Tenures.
1854	Reciprocity Treaty with United States.
1856	Legislative Council made elective.
1858	Selection of Ottawa as seat of government.
1864	Quebec Conference.
1866	First meeting of Canadian Parliament at Ottawa.
1866	Expiration of Reciprocity Treaty.
1867	British North America Act (confederation of Canada, Nova Scotia, and New Brunswick).
1869	Negotiations with regard to purchase of Hudson's Bay Territories. Red River Insurrection.
1870	Manitoba becomes Province of the Dominion.
1871	Treaty of Washington.
1871	British Columbia enters Dominion.
1873	Prince Edward Island enters Dominion.
1876	Intercolonial Railway opened.
1878	Triumph of 'National' Policy.
1885	North-West Rebellion.
1886	Canadian Pacific Railway opened for general traffic.
1894	Imperial Conference at Ottawa.
1897	Preferential treatment accorded to British goods by Canadian Parliament.
1903	Settlement of Alaska Boundary Question.
1905	Provinces of Saskatchewan and Alberta made members of Dominion.
1907	Industrial Disputes Investigation Act.
1910	The Naval Service Act.
1911	Proposed reciprocity with United States.
1912	Proposed contribution to Imperial Navy.
1914–18	Canada's war efforts.
1917	Recognition at Imperial War Conference of new status of dominions.
1919	Such recognition made manifest by separate signing of peace treaties and by separate membership of League of Nations.

INDEX

Abbott, Sir John, 199.
Aberdeen, Lord, 207, 328.
Acadia, or Nova Scotia, 4, 28.
Adams, C. F., 280.
Alabama, the, 279.
Alaska boundary question, 285, 312, 333-6.
Albany, River, 318.
— town, 78.
Alberta, 338; recent growth of, 346.
Alexander, Sir William, 28.
Allan, Sir Hugh, 286, 287, 288.
Allan Steamship Line, began operations in 1852, 214.
Alleghany Mountains, 15.
Allen, Ethan, captures Ticonderoga and Crown Point, 19.
Althorp, Lord, 163.
American fleet on Lake Champlain, practically annihilated by British, 22.
— independence, its influence on Canada, 27.
— invasion of Canada, 19–22.
— loyalists, exodus of, 37, 38, 73, 154; United States fails to fulfil obligations to, 38; their presence raises question of the Constitution, 43, 45; their demand for popular government, 47; grant of land to, 73; called United Empire loyalists, 73, 78, 86, 134, 340.
Amherst, General (afterwards Lord), Governor-in-Chief, 2, 119; is promised Jesuit's estates by George III, 44; his claim resisted, 44.
Amherstburg, 89, 91, 94, 176.
Anglican Church, position of in 1791, 53, 54; reserves of land made for clergy of, 124, 128, 129, 134, 169; position of in 1828, 129; disliked by nine-tenths of population, 132; ascendancy of on Board of Education, 135; establishment of College by, 135; its position in the Maritime Provinces, 156, 157, 159.
Anglo-French Agreement of 1904, 36.
Annapolis, 154.
Annexation Manifesto of 1849, 199.
Anticosti, Island of, 6.
Archibald, A. G., Lieutenant-Governor of Manitoba, 272, 298.
Arnold, Benedict, 20; in command of American force, 21; joins Montgomery's army at Ste. Foy, 22; wounded at siege of Quebec, 22.
Aroostook Valley, 31, 159.
Arthur, Sir George, Lieutenant-Governor of Upper Canada, 165.
Ashburton, Lord, 32, 33.
— Treaty (1842), boundaries of Canada under, 32, 34.
Assembly, Lower Canadian, question of, 6; scheme of Board of Trade for, 8, 10; reasons for refusing, 10; attitude of English minority to, 11; objections to, 12, 13; formation and numbers of, 49; offers to pay for Civil List, 68; its opposition to Sir James Craig, 67, 68; its illegal actions, 69; democratic character of, 69; grants money for war of 1812, 89; offer to pay for Civil List accepted, 103; its Speaker made a Councillor, 103; refuses application for much increased Civil List, 104, 105; its disputes with Lord Dalhousie,

107-11; Reform Bill of 1829, 113; just grounds for complaint, 114; conciliatory action of Home Government, 115; obstinacy of Assembly, 115; demands a National Convention, 116; unbounded pretensions of threaten to destroy balance of Constitution, 117; attitude of Home Government towards, 117; the ninety-two resolutions of, 117; demands impeachment of Lord Aylmer, 118; racial contest in General Election of 1834, 118; Royal Commission appointed to consider demands of, 118; failure of Commission, 120; report of Commission, 121; last meeting of, 121.
Assembly, Upper Canadian, demand of American loyalists for, 47; formation of by Act of 1791, 49; character of, 75; prorogued by Brock, 90; attitude of, 126-31, 140; demands responsible government, 130; refuses supplies, 140; attachment of to Sir F. Head, 143-4; opposed to Union, 165; accepts conditions of Union, 167.
— of Maritime Provinces, constitutional disputes in, 155; controlled by a dominant oligarchy, 156; efforts to control revenues long unavailing, 157, 158; representative Assembly established in Prince Edward Island, 161; responsible government granted to, 186-90.
— under Union Act, 171; attitude of, 173; English not to be sole official language in, 193, 194; meets at Toronto and Quebec alternately, 199; the double majority principle in, 201, 225; constitution of parties, 202; its numbers increased, 207; proposal that representation should be by population, 208, 217, 222; weakness of successive ministries in, 219-25; debates on federation in, 233.
Assiniboia, 81, 257.
Assiniboine Indians, 80.
— River, 81.
Astor, J. J., American fur-trader, 250.
Astoria, 250, 252.
Athabasca, district, 79.
— Lake, 79.
Australian and Canadian constitutions compared, 240, 241.
Aylmer, Lord, Governor, 114; his position with regard to Assembly, 116; his impeachment demanded by Assembly, 118; his recall, 119.

Bagot, Sir Charles, Governor, 178, 179, 180, 183.
Baldwin, Robert, Attorney-General (afterwards Prime Minister), 140, 143, 172, 174, 178, 181, 183, 192, 193, 200, 203, 204, 207, 218, 219.
Barclay, Captain Robert, commands British fleet at battle of Lake Erie, 94.
Bathurst, Lord, Secretary of State, 84, 103, 108.
Bay Verte Canal, 300.
Beauharnois Canal, 201.
Bedard, M., 67, 71.
Belleau, Sir Narcisse, Prime Minister, 237.
Bermudas, 146, 147.
Bernard, Sir Mountague, 280.
Bidwell, Barnabas, 126.
— Marshall Spring, Speaker of Assembly, 126, 128, 140, 141, 143.
Blachford, Lord, Under-Secretary of State, 239.
Black Rock, 96.
Blaine, Mr., American Secretary of State, 309.
Blake, Edward, Canadian Statesman, 292, 298, 306, 331, 336; his letter on the commercial Union with United States, 310-11.
Board of Trade, 6, 8, 10.
— — Works, 175.
Bonavista, Cape, 36.

Bonne, de, Judge, 69.

Bonnycastle, Sir Richard, 133.

Borden, Sir Robert, attitude on naval question, 346; Prime Minister, 349; naval proposals of, 350–1; attitude of towards question of dominion status, 356–7; resignation of, 361.

Boston, 161.

Boulton, Henry, Attorney-General, 129.

Boundaries of Canada, under Proclamation of 1763, 6; under Quebec Act (1774), 15; under Treaty of Paris (1783), 27–30, 34–6; under Treaty of Ghent (1814), 30, 31, 34; under arbitration of King of the Netherlands (1831), 31, 32; under Ashburton Treaty (1842), 32, 34; under agreement of 1818, 35; the Oregon boundary question, 191, 250, 252–4, 283; San Juan boundary question, 283, 333; Alaska boundary question, 285, 312, 333–6.

Bowell, Sir Mackenzie, Prime Minister, 237, 321, 322.

Brant, Joseph (Thayendonegea), Mohawk Chief, 38, 40.

Breton, Cape, 4, 154, 159, 160.

Briand, Monseigneur, Bishop of Quebec, 8.

Bright, John, 245.

British and American expansion, resemblance and contrast between, 1, 2.

British Columbia, 244, 250, 259, 260, 261, 272, 273, 290, 291, 338.

— Empire League, 306.

— North America Act, 1867, 230, 235, 239, 240–44, 246, 273, 274, 289, 316, 317, 319, 325.

— officials, character of, 16.

Brock, Isaac, Administrator and Acting Governor of Upper Canada, 78, 88, 89, 101; complains of attitude of Assembly and closes the session, 90; General Hull surrenders to at Detroit, 90; killed at Queenston, 91.

Brougham, Lord, criticizes Lord Durham's actions, 147; denies Lord Durham's authorship of Report, 150.

Brown, George, 222, 224, 229, 273, 341; attacks ministry in *Toronto Globe*, 203; Presbyterians and Methodists devoted to, 206; proposes that representation should be by population, 208; Radical leader, 219; invited to form Government but fails to secure confidence of Parliament, 220; intervenes in federation question, 227; his sacrifice in joining Macdonald Ministry, 228; visits England on behalf of federation, 232; relations with Macdonald become difficult and he resigns, 237; advocated expansion westward, 266; assists in negotiating new reciprocity treaty with United States, 300–301.

— Jacob, American General, 98.

Bryce, Lord, position of, with regard to reciprocity negotiations, 348.

Buchanan, American Secretary of State, 253.

Buckingham, Duke of, Secretary of State, 239, 267.

Buffalo, 78, 96, 246.

Buller, Charles, 146, 149, 150, 151, 221.

Burgoyne, General, 23, 24.

Burlington Heights, 92, 98.

Burrard Inlet, 294.

Burton, Colonel, Lieutenant-Governor at Three Rivers, 2; moved to Montreal, 7; his disputes with Murray, 7.

— Sir Francis, Lieutenant-Governor of Lower Canada, his compromise with Assembly, 108.

Bytown (Ottawa), 199.

Caldwell, Colonel, Governor of Assiniboia, 257.

Calvet, du, 26.

Cambridge, 21.

Cameron, Duncan, 82.

Campbell, Sir Archibald, Lieutenant-Governor of New Brunswick, 159.

— Sir Colin, Lieutenant-Governor of Nova Scotia, 157, 186.

Canada Company formed, 133; its methods adopted in Lower Canada, 134.

'Canada first' group, 305.
— Trade Act, 1822, 107.
Canadian Corn Act (1843), 195.
— Northern Railway, 340.
— Pacific Railway, 272–3, 286–96, 298, 324, 329, 336, 340.
Canal de Haro (or Haro Channel), 284.
Canterbury, Lord, suggested as Governor, 119.
Cape Breton Island, 37.
Carleton, Guy (afterwards Lord Dorchester), appointed Governor, 7; confirms French laws and customs, 9; takes part in negotiations for Quebec Act of 1774, 10; distrusts English settlers, 11; enacts ordinance limiting power of magistrates, 16; warns Home Government of perilous nature of situation, 17; his advice disregarded at outbreak of American war, 19; issues Proclamation requiring seigniors to enroll their dependants into companies, 20; desperate position of, 20; enjoined by Home Government to raise 6,000 men, 20; applies to General Gage for two regiments, 20; arrives at Quebec and decides to defend it to the last; repels American assault, 22; blamed for not attempting reprisals, 22; assumes the offensive, 22; Lord G. Germaine seeks to saddle with consequences of the defeat at Trenton, 23; directed to confine himself to Canadian affairs, 23; fiercely resents behaviour of Germaine, 24; his resignation and departure from Canada, 24; his attitude in the attempt to check abuse of high fees, 25; is made K.B., 25; dispute with Livius, C. J., 25, 26; his letter (as Lord Dorchester) on the boundary between Canada and the United States, 30; returns to Canada as Governor-General, 42; opinion as to Popular Assembly, 46, 47; approves Chief Justice Smith's plan, 48; recommends equal treatment of Roman and Anglican Churches, 54; Proclamation against French revolutionary emissaries, 57; his dispute with Colonel Simcoe, 58; proffers his resignation, 58; his remarks on the jobbing system, 59; objects to system of independent governments, 60; his forebodings on future relations of Canada and Great Britain, 60; summary of his character, 61, 62.
Carlyle, Thomas, 146.
Carnarvon, Lord, Secretary of State, 239, 292, 299.
Cartier, Sir George Etienne, French Canadian statesman, 216, 217, 220, 237, 238, 267, 276, 287, 320.
Cartwright, Sir Richard, Canadian statesman, 235, 308.
Castlereagh, Lord, Secretary of State, 139.
Cat, Cape, 43.
Cataraqui (Kingston), 45, 73.
— (or Iroquois), River, 34, 132.
Cathcart, Lord, Governor, 191.
Cayley, W., Inspector-General, 221.
Chaleurs, Bay of, 6, 29, 278.
Chamberlain, Mr. Joseph, 308.
Chambly, Canal, 176.
— Fort, 21, 22, 139.
Champlain, Lake, 1, 6, 13, 19, 21, 22, 24, 38, 95, 98, 99, 101, 282.
— — Battle of, 99, 106.
— Samuel, 28.
Charlottetown, 229.
Chateauguay, Battle of, 95, 101, 271.
— River, 95.
Chatham, Lord, 153.
Chaudière, River, 21.
Chauncey, Isaac, American Commodore, 92, 98.
Chénier, Dr., Canadian rebel, 139.
Chippawa, battle at, 98.
Chiputneticook, River, 29.
Christie, Robert, historian, 62, 68; expelled from House of Assembly, 113.

Chrystler's Farm, battle at, 95, 101.
Churchill, Fort, 82.
Clarendon, Lord, Secretary of State, 284.
Clark, G. R., American explorer, [250.
Clarke, Sir Alured, Lieutenant-Governor of Lower Canada, 52.
'Clear Grits,' the, 202, 205, 219.
Clergy Reserves, 124, 128, 129, 134, 169, 201, 202, 206, 207, 209.
Cobourg, 183.
Colborne, Sir John, Lieutenant-Governor of Upper Canada, 128–32, 146; set on foot Elizabeth's College, Guernsey, and founded Upper Canada College, York, 131; establishes 44 rectories, 131; military commander in British North America, 136; his action in Rebellion of 1837, 138.
Colebrooke, Sir William, Lieutenant-Governor of New Brunswick, 188.
Collins, Francis, journalist, 128.
Columbia, River, 250, 253, 254.
Combines and Fair Prices Act, 1919, 362.
Confederate Council of the British North American Colonies, 246.
Connecticut, River, 28, 29, 32, 34.
— State of, 21, 23.
Conscription, question of, 352–3.
Constitutional Act of 1791, the, 42–56.
— Reform Society, 140.
Continental Congress, the, and Canada, 20.
Convention with United States (1818), 252, 278, 279, 282.
— — — (1827), 252, 253.
Cook, Captain, 250.
Cornwallis, General, 27.
Court of Appeal, 243.
Craig, Sir James, Governor, attitude of, 67; opposition of General Assembly to, 67; his appeal to the Home Government, 69; his resignation, 71.
Crown Point, 19, 20, 22.
Cunard Steamship Company established in 1839, 161.
Cuvillier, Mr., Speaker of first United Assembly, 173.
Dakotas, the, 336.
Dalhousie, Lord, Governor, 104, 133, 154, 160; disappointed and disgusted at Assembly's conduct, 105; his policy and difficulties, 107; confronted by deadlock, 108; conflict with French Canadians over Militia Act, 109; refuses sanction to Papineau's re-election as Speaker of Assembly, 110; alienates sympathies of Roman Catholic Church, 110; charges against in House of Commons Committee, 1828, 110; departure from Canada and appointment as Commander-in-Chief in India, 111; founded 'Literary and Historical Society of Canada', 111; established Dalhousie College, Nova Scotia, 154.
Dallas, Governor of Hudson's Bay Company, 264.
Daly, Dominick, official, 182.
Dead River, 21.
Delaware, River, 23.
Denison, Colonel G., 306, 330.
Detroit, River, 73, 89, 94.
— town, 38, 89.
Disraeli, Benjamin, 206, 328.
Dominion Liquor Licence Act of 1883, 318.
Dominions, new status of, 356–358.
Don, River, 74.
Dorchester, Lord, *see* Carleton.
Dorion, Antoine, French-Canadian statesman, 202, 219, 225, 234.
Doughty, A. G., Dominion archivist, 179 *n*.
Douglas, Fort, 82, 83, 85.
— James, Governor of Vancouver Island (afterwards Lieutenant-Governor of British Columbia), 259, 260.
Doukhobors, 336.
Downie, Captain, killed in battle on Lake Champlain, 99.
Draper, William, Attorney-General, 171, 182, 191, 257.
Drummond, General Gordon, Lieutenant-Governor of Upper Canada, 96, 99, 101, 124; commands Canadian forces, 96;

fights battle of Lundy's Lane, 98; Acting-Governor of Lower Canada in 1816, 103.
Dudley Island, 34.
Dufferin, Lord, Governor-General, 281 *n.*, 288, 300, 304, 328; his attitude on the Canadian Pacific Railway question, 292–3; remits sentence of death on Lepine, 299.
Dull Island, 335.
Dundas, Lord, Secretary of State, 60.
Dunkin, Christopher, Lower Canadian statesman, 234, 235.
Durham, Lady, 151.
— Lord, 26, 163, 164, 166, 177, 183, 191, 192, 201, 221, 235; on land tenure, 55; special commissioner with full powers, 145; his Report, 145–53, 160, 163, 165, 167, 168, 171, 191; his treatment of prisoners of Rebellion of 1837, 146; resolves to resign, 147; Proclamation on reasons for resignation, 149; results of his mission, 150; conclusions of his Report, 151; character of, 153.
Dutchman's Point, 38.

Easton, Treaty of, in 1758, 15.
Edmonton, 291, 338.
Education, condition of in Lower Canada in 1790, 43; and in 1801, 65; early efforts of Colonel Simcoe and President Russell on behalf of in Upper Canada, 134; Board of Education established there, 135; ascendancy of Church of England in connexion with, 135; colleges established by Church of England, Roman Catholics, Presbyterians, and Methodists, 135; position of in Maritime Provinces, 159; Education Act of 1841, 175, 218; 'separate' schools, 217; the county and municipal school rates, 217–8; general standard of raised, 218; Education Acts of 1843, 1850, and 1871, 218; enactment of compulsory free education, 218; University education, 218–9; separation of provincial Universities from denominational influences and control, 219; Trinity University founded, 219; the question of religious education, 319–20; system of secular education established in New Brunswick, 320; denominational education established in Manitoba, 320; changed for a secular system, 320; controversy with Roman Catholics on religious teaching in schools, 320–5.
Egremont, Lord, Secretary of State, 6.
Eldon, Lord, Lord Chancellor, 70.
Elgin, Lord, Governor-General, 100, 188, 207, 215, 235, 246; his political attitude, 191, 192; difficulties of his position, 193; his letter on French-Canadian loyalty, 194; his attitude on land settlement of French Canadians, 194; urges repeal of Navigation Acts, 196; gives assent to Rebellion Losses Bill, 197, 198; narrowly escapes personal violence, 198; his attitude on the Annexation Manifesto, 199; successfully negotiates Reciprocity Treaty with United States, 210; his views on responsible government, 211.
Ellice, Edward ('Bear' Ellice), 106, 254, 255, 256.
English settlers in Canada, Murray's opinion of, 7.
Erie, Fort, 38, 92, 98, 99, 247.
— Lake, 15, 35, 38, 40, 43, 78, 89, 91, 92, 101, 132, 133, 176.
— — Battle of, 94, 101.
Erskine, Mr., British Minister at Washington, 87.
Esquimault, 292.
Evarts, Mr., American Secretary of State, 283.
Executive Council in Lower and Upper Canada, 26, 47, 54, 62, 63, 64, 75, 103, 109, 114, 118, 121, 128, 140, 168, 174, 177, 183, 190.

Executive Council of Maritime Provinces, 157, 158, 186, 187, 188, 189.

Falkland, Lord, Lieutenant-Governor of Nova Scotia, 186, 187.
'Family compact,' the, 164, 165, 167, 173, 202.
Farrer, Lord, 313.
Federation, question of, 220; intervention of G. Brown, 227; agreement arrived at, 228; coalition of Macdonald and Brown, 229; the situation in the Maritime Provinces, 229–30; conclusions of Quebec Conference, 230; union or federation, 231; details of proposals, 231; approval in England, 232; confederation debates, 233–5; opposition to measure, 234; urgency of measure, 235; its necessity, 236; Quebec resolutions passed by Canadian legislature, 236; setback in Maritime Provinces, 236; change of feeling in Maritime Provinces, 238; anxiety of Governor-General, 238; proceedings in London, 238; apathy to in England, 239; enactment of British N. America Act and imperial guarantee for railways, 240; the constitution under federation Act, 240–4; opposition to federation in Nova Scotia, 244, 276; Prince Edward Island joins Confederation, 246; British Columbia joins Confederation, 265, 272, 273; Rupert's Land and North-Western Territory federated to Canada, 267, 272; Imperial federation, 306.
Fenian raid, 1866, 246, 279–80, 298, 299.
Fielding, Mr., Finance Minister, 312.
Fisher, Mr., Minister of Agriculture, 338.
Fishing rights under Treaty of Paris, 36; under Anglo-French Agreement of 1904, 36; under Reciprocity Treaty of 1854, 210, 278–9; under Washington Treaty (1871), 280–3.
FitzGibbon, Colonel, 142, 184.
Fleming, Sir Sandford, Civil Engineer, 278.
Foster, W. A., one of 'Canada first' group, 305.
Franklin, Benjamin, 7.
Fraser, River, 259, 265.
Frederick Island, 34.
French River, 290.
French Canadians, character of, 3; unfitted for self-government, 43; attitude of on question of popular Assembly, 45; their customs and prejudices considered under Constitutional Act, 46, 47; their conservatism, 54; their reluctance to serve in Militia, 57; their great respect for Lord Dorchester, 61; Lieut.-Governor Milnes's advice as to, 64; win battle of Chateauguay, 95, 96; position of at close of war, 102; hostility of to union of Upper and Lower Canada, 106; their attitude in Assembly, 102–23; few of good standing join Rebellion of 1837, 139; Lord Durham's Report on, 151, 152; stand aloof from Union of Upper and Lower Canada, 164; unite in opposition to Union, 172; Speaker of United Assembly chosen from, 173; their advent to power, 178, 179; Lord Elgin's conclusions as to, 192, 194; their immigration into manufacturing towns of New England, 194; French Canadian Ministers reorganized under Dr. Taché, 216; their dislike of militarism, 223; regard with distrust proposals for federation, 229; accept federation through Cartier's influence, 276; their sympathy with Riel, 298; their opposition to Naval Service Act, 349; to Conscription, 352–3; to Ontario education regulation, 354; isolation of, during Conservative régime, 355.
Frenchtown, 91.
Frontenac, Fort, 37.
Fuca's Straits, 254.

Fundy, Bay of, 28, 34, 300.
Fur trade, the, 80.

Gage, General, Lieutenant-Governor at Montreal, 2; his letter to Amherst in 1762, 2; becomes Commander-in-Chief at New York, 7.
Galt, Sir Alexander, Finance Minister, 220, 221, 237, 238, 276, 283.
— John, Scottish novelist, 220; his work as a colonizer, 133.
Gananoqui, River, 42.
Garneau, F. X., historian, 61, 67.
Garnett, Dr., 150.
Garry, Fort (Winnipeg), 264, 271, 272, 290, 339.
Gaspé, district, 43, 111, 113.
General Mining Association, 159.
Geography, its influence on history modified by discoveries of science, 1.
George III, 122; promises Jesuits' estates to General Amherst, 44.
— IV, 128.
— Fort, 19, 92, 96, 98.
Georgia, Gulf of, 283, 284, 290.
Germaine, Lord George, Secretary of State, 23; an enemy of Carleton, 23; blames Carleton for the defeat at Trenton, 23; appoints General Burgoyne to command expedition against American colonies, 23; dictates strategy of distant campaigns, 23; his failure as Colonial Secretary, 23; gratifies his jobbing instincts, 24; causes Carleton's resignation, 24, 25; his resignation in 1782, 42.
German Emperor, arbitrates in San Juan Island dispute, 284.
Ghent, Treaty of (1814), 30, 100; allotment of islands to Canada under, 34.
Gibraltar, Fort, 82.
Gipps, Sir George, Governor of New South Wales, 118.
Gladstone, W. E., 150, 206, 259.
Glenelg, Lord, Secretary of State, 119, 139, 140, 141, 149, 162, 163.
Goderich, Lord, Secretary of State, 115, 131.
— town, 134.
Gordon, Sir Arthur, Lieutenant-Governor of New Brunswick, 237.
Gore, Francis, Lieutenant-Governor of Upper Canada, 77.
Gosford, Lord, Governor, 118, 119, 145; his criticism of loyalist minority, 120; his attitude towards the insurrectionary movement, 137; resignation, 138.
Gourlay, Robert, journalist, persecution of, 125, 126.
Grand Portage, 80.
— River, 38.
Grand Trunk Railway, the, 214, 235, 287.
— — Pacific Railway, 340.
Grant, George Monro, 236.
— President United States, 285, 301.
Granville, Lord, Secretary of State, 267, 268, 281.
Graves, Admiral, 20.
Gray, Captain Robert, American explorer, 250.
Great Slave Lake, 79, 80.
Grenville, William, Secretary of State, 124; his proposals for a Popular Assembly, 46, 47.
Grey, Colonel, 149.
— Lord (Lord Howick), Secretary of State, 120, 172, 189, 190, 193, 195, 206, 213, 221, 328.
— Lord de (afterwards Lord Ripon), 280.
— Sir Charles, ex-Indian judge, 118, 120.
Guadeloupe, 4.
Guelph, 133.

Haldimand, Sir Frederick, Governor, 26, 42, 59, 73.
Halifax, 154, 156, 157, 161, 168, 213, 214, 244, 247, 283.
— Lord, Secretary of State, 6.
Hamilton, Henry, Lieutenant-Governor of Lower Canada, 42.
— town, 214.
Hampton, Wade, American General, 95.

Harrison, American General, 91.

Harvey, Colonel, Sir John, 92, 101; defeats American force at Stoney Creek, 94; Lieutenant-Governor of New Brunswick, 157, 159; of Nova Scotia, 187–8.

Head, Sir Edmund, Governor, 215, 219, 220, 223, 224; Governor of Hudson's Bay Company, 262.

— Sir Francis Bond, Lieutenant-Governor of Upper Canada, 132, 139; quarrels with Assembly, 140; his false security, 141; his conduct during Rebellion of 1837, 142–4; his popularity, 144.

Hesse, district, 43.

Hillsborough, Lord, President of Board of Trade, 6, 13.

Hincks, Sir Francis, Canadian statesman, 175, 178, 201, 204, 208, 214, 318.

Hope, Colonel Henry, Lieutenant-Governor of Lower Canada, 42; his reports on question of Popular Assembly, 45.

House of Commons Committee of 1828, 110, 135; and of 1834, 117.

Howe, General, 23.

— Joseph, Nova Scotian statesman, 155, 158, 188, 221, 229; his letter on necessity for rapid communication between Canada and Britain, 162; his letters on responsible government, 186; his quarrel with Lord Falkland, 187; his enthusiasm for railway construction, 213, 247; his opposition to federation, 236, 244–5; becomes a member of Dominion ministry, 245, 276; President of Privy Council, 277; Lieutenant-Governor of Nova Scotia, 277.

Howland, W. P., Canadian statesman, 238.

Hudson's Bay Company, 15, 84, 236, 284; attempt to divert its trade, 80; grants land to Lord Selkirk for colony, 81; acquire Lord Selkirk's interests, 249; North-West Company amalgamated with, 252; grant of Vancouver Island to, 254; House of Commons Committee on affairs of, 255; complaints of its monopoly and exclusive system, 256–8; recommendations of House of Commons Committee on, 258–9; its reorganization, 262; its anomalous position, 263; suggested acquisition of its territories, 266–7; danger of U.S. acquiring, 267; its territories purchased by Canada, 267–8; opposition of half-breeds to annexation, 269–72.

Hudson River, 1, 23.

Hull, American General, commands American forces in invasion of Canada, 89; his magniloquent Proclamation, 89; surrenders to Brock at Detroit, 90.

Humber, River, 74.

Hume, Joseph, 130.

Hunter, General, Lieutenant-Governor of Upper Canada, 76.

Huntington, Mr., Canadian politician, 288, 289.

Huron, Lake, 35, 38, 74, 80, 133, 176, 339.

Huskisson, W., 195.

Idaho, 250.

Illinois, 266.

Immigration, 111; of American loyalists, 38; American and Scottish emigrants, 75; of Scottish Highlanders, 81; from Ireland, 114; attempt to restrict American, 124; steady flow of, 128; rapid increase of after Union Act, 173; arrival of more than 100,000 Irish, 193; to British Columbia, 259, 260; arrival of emigrants in large numbers, 338; from the American States, 339–40, 345.

Indians, Proclamation of 1763 safeguards interests of, 13, 15;

Treaty of Easton with (1758), 15; their position after the Treaty of Paris, 38; informal war in 1788–91 with Americans, 39; decisively beaten in 1794 and submit to terms, 40; their decline, 40; British N. America sets an example in its dealings with, 273.
Industrial Disputes Investigation Act, 1907, 358–9.
Inter-Colonial Railway, 213, 237, 238, 240, 247, 277, 300.
Iowa, 336.
Iroquois (or Cataraqui), River, 34.

Jamaica, 179.
Jay's Treaty of 1794, 28.
Jefferson, Thomas, President of United States, 87, 250.
Jesuits, the, their estates claimed by General Amherst, 44; taken over for purposes of education, 44; receive large money compensation for confiscation of their lands, 332.
Johnson, Reverdy, 284.
Johnston, J. W., Nova Scotian statesman, 188.

Kamloops, 291, 295.
Keewatin, 338.
Kellog, Mr., American Commissioner, 283.
Kempt, Sir James, Governor, 113, 154, 155.
Kennebec, River, 21.
Kennedy, Howard Angus, author, 338.
Kent, Duke of, 160.
Kentucky, River, 40.
Khannaghunut, Island, 335.
Kimberley, Lord, ex-Governor of Hudson's Bay Company, 268; Secretary of State, 281.
King's College, Toronto (Anglican), 183.
Kingston (Cataraqui), 37, 38, 45, 73, 77, 92, 95, 96, 98, 111, 132, 176, 214.
Klondyke, 334, 335, 336.

Labrador, 6, 13; reunited to Canada, 15.
Lachine, 95, 111.
— Rapids, 111.
La Fontaine, Louis, French-Canadian statesman, 178, 181, 182–3, 193, 197–9, 202–3, 207.
Land tenure, seigniorial system of, 55; effects of, 56; unwillingness of La Fontaine to abolish, 203; its abolition, 209.
Langevin, Mr., Canadian statesman, 238.
Lansdowne, Lord, 328.
La Salle, 37.
La Souris, Fort, 82.
Laurier, Sir Wilfrid, Prime Minister, 202, 224, 331; a moderate Protectionist, 303; his opinion on a commercial union with United States, 308; his new fiscal policy, 312; his panegyric on Sir J. A. Macdonald, 332–3; his position, 333; Naval Service Act of, 346; defeat of (1911), 348; opposition of, to contribution to Imperial Navy, 350; attitude of, on declaration of war, 357; opposition of, to Conscription, 352–3; personal authority of, 355.
Law, question of form of, 8; different opinions on form of, 9; criminal, 9; Supreme Court of Appeal established, 1875, 243, 318; law as to licences, 317.
Lawrence, Charles, Governor of Nova Scotia, 155.
Lefroy, Colonel, 256.
Legislative Council, proposals with regard to, 47; its formation and numbers, 49, 50; Sherbrooke advises its enlargement, 103; disputes with Assembly, 104; its assertion on effect of elective Legislative Council, 116; William IV's opposition to elective Legislative Council, 119; Report of Commissioners on, 121; follows lead of Executive Council, 128; claim for an elective Legislative Council, 131; contest between Assembly and Legislative Council in Nova Scotia, 155–7; Canadian Assembly asks for power to be given to local Legislature to alter Legislative Council so as to make it elective, 208; made elective in 1856, 216; constitution of as Senate

under British N. America Act, 244.
Lepine, a leader in the Red River Rebellion, 299.
Lewis, M., Captain, American explorer, 250.
Lewiston, 96.
Lisgar, Lord (Sir J. Young). *See* Sir J. Young.
Liverpool, Lord, 69.
— town, 161.
Livius, Chief Justice, 24; Carleton's opinion of, 24; dismissed by Carleton, 25; appeals to Privy Council, decision in his favour, 25; receives salary of Chief Justice for eight years in England, 26; his astute reply when asked to resume his duties, 26.
Local Government, absence of, 122; condition of Quebec and Montreal under, 123; measure of passed by Lord Sydenham, 171; Local Government Act of 1841, 175; control of post office handed over to, 200; Baldwin, with Sydenham, the founder of Canadian municipal self-government, 200.
Long Lake, 35.
Long Point, 43, 77.
London (Upper Canada), 214.
— Convention of 1818, 249.
Lorne, Lord, Governor-General, 299, 315, 328.
Louise, Princess, 328.
Louisiana, 1, 250.
Lount, Samuel, Upper Canadian rebel, 143.
Lowe, Robert, 281 *n.*
Lowell, J. R., 280.
Lower Canada Municipalities' Fund, 209.
Lundy's Lane, Battle of, 98, 101.
Lunenburg, district, 42.
Lymburner, Mr., Quebec merchant, 50, 52.
Lynn Canal inlet, 334.
Lytton, Sir Edward Bulwer, Secretary of State, 259.

Macdonald, Sir John A., Prime Minister, 202, 205, 208, 214, 215, 222, 224, 225, 228, 267, 270, 276, 277, 299, 302, 311, 314, 328, 329, 331, 332, 341; prejudiced against Lord Elgin, 215; becomes real head of Ministry, 216; appointed Attorney-General West, 220; in favour of protective tariff, 221; does not at first support federation movement, 227; his coalition with Brown, 229; moves resolution in favour of federal union at Quebec Conference, 230–31; moves address in Assembly praying for union, 233; relations with Brown become difficult, 237; declares that federation bill must be carried *per saltum*, 238; his extraordinary power of management and adroitness, 239; his remarks on English apathy, 239; on importance of keeping open route to Pacific, 226; realizes seriousness of Riel's rebellion, 269; made K.C.B. and Prime Minister of Dominion, 275; his attitude on the Washington joint High Commission, 279–82, 283; his opinion of British Commissioners, 282; his connexion with the Canadian Pacific Railway, 287–9, 293, 295; becomes identified with Protection, 302; his last address to the people of Canada, 309; his dismissal of Mr. Letellier de St. Just, 314–15; on the Ontario boundary question, 319; on the question of religious education, 319–20; death of, 321, 332; eulogy of by Laurier, 332–3.
— John Sandfield, Prime Minister, 222, 224.
Macdonell, Colonel, at battle of Chateauguay, 95.
MacDonell, Alexander, employé of North-West Company, 82.
— Miles, Governor of Red River Settlement, his connexion with Lord Selkirk's colonization scheme, 82, 83, 84.

Mackenzie, Sir Alexander, his journeys and discoveries, 79, 80, 250.
— Alexander, Prime Minister, 289, 299, 328, 331, 341; Lord Dufferin's remarks on, 293, 300; his defence of Free Trade, 304.
— William Lyon, demagogue, 127, 128, 129, 130, 132, 139, 215; takes part in Rebellion of 1837, 142; escapes to United States, 143; returns to Canada, 201.
MacLoughlin, Dr. John, 252.
Macomb, American General, 99.
Macpherson, D. L., railway magnate, 286, 287.
Madawaska, River, 30, 31.
— settlement, 31, 32.
Magistrates, qualification of in Lower Canada, 122.
Maine, 31, 32, 99, 159.
Maitland, Sir Peregrine, Lieutenant-Governor of Upper Canada, 105, 125, 128, 133, 154, 155.
Manan Island, 34.
Manitoba, 286, 298, 329, 338; first settlements in, 79–85, 249; creation of province, 272; controversy between Ontario and Manitoba over boundary of, 318–19; question of religious education in, 320–4; recent growth of, 344.
Mann, Colonel, 30.
Mars Hill, 30, 31.
Marshall, Chief Justice U.S., 243.
Maseres, Attorney-General under Carleton, 4, 10.
Massachusetts, 29, 34, 126.
Matthews, Captain, 126.
Maumee, River, 40, 91.
Mayo, Lord, 278.
McCarthy, M. D'Alton, 321.
McDougall, William, Lieutenant-Governor of Rupert's Land, 228, 229, 238, 267, 268, 269, 270.
McLane, D., attempts an invasion of Canada (1796), 66.
McNab, Sir Allan, Upper Canadian Conservative, 208, 216.
McTavish, William, Governor of Hudson's Bay Company's territory, 268, 269.
Mecklenburg, district, 42, 43.
Megantic, Lake, 21.
Meigs, Fort, 91.
Mercier, Mr., 332.
Metcalfe, Sir Charles (afterwards Lord), Governor, 179, 188, 191, 193, 235; difficulties of, 180; disputes with Ministers, 181; they resign, 181; his resignation, 184; his character, 184.
Mexico, 80.
Michigan, Lake, 38, 80, 210, 282.
— State, 38, 336.
Michillimackinac, 38, 80, 90.
Militia Act (1803), 66.
— Bill of 1862, rejected by Assembly, 232.
Military rule in Canada, 2; attitude of English population towards, 4.
Milnes, Sir R., Lieutenant-Governor of Lower Canada, 63-6.
Minnesota, 257, 336.
Minto, Lord, Governor-General, 328.
Mississippi, River, 1, 15, 35, 39, 250.
Mitchell's map of 1755, 29.
Mohawks, the, 38.
Monck, Lord, Governor, afterwards Governor-General, 224, 239, 274, 278, 329.
Mondelet, M., Executive Councillor, 117.
Montana, 329.
Montcalm, 111.
Montgomery, General, commands main body in American invasion, 21; captures Chambly, St. John's, and Montreal, 21; killed at siege of Quebec, 22.
Montreal, district, 42, 122, 286.
— town of, 2, 7, 8, 16, 20, 21, 45, 63, 78, 83, 88, 95, 96, 99, 107, 111, 116, 123, 132, 137, 138, 139, 164, 172, 176, 198, 199, 201, 213, 214, 219, 247; captured by General Montgomery, 21.
Moodie, Colonel, 142.
Moose Island, 34.

Moraviantown, battle at, 94.
Morin, Mr., French-Canadian statesman, 205, 208, 215, 216.
Morrison, Colonel, 95.
Mowat, Oliver, Canadian statesman, 228, 319; his reply to Macdonald on question of commercial union with U. S., 310.
Murray, General, Lieutenant-Governor at Quebec, 2; appointed Governor, 6; his hostility to British settlers, 7; his difficulties and recall, 7, 11; his complaints to Shelburne, 16.
— Sir George, Secretary of State, 100.
Muzon, Cape, 335.
Nanaimo, 292.
Napoleon, Berlin decree of 1807, 87, 88; Milan decree of, 88; Russian expedition of, 88.
Nassau, district, 43.
'National Policy,' the, 302-5, 309, 310.
Naval Service Act, 1910, 345-6.
Nebraska, 336.
Neilson, Mr., Canadian journalist and politician, 116, 164.
Nelson, Dr. Wolfred, a leader in Rebellion of 1837, 139, 146.
Netherlands, King of, his decision in the Canadian and American boundary dispute, 31, 32.
Newark, 74, 96.
New Brunswick, 30, 31, 34, 37, 43, 154, 157, 158, 159, 187, 188, 189, 190, 213, 221, 229, 236, 237, 238, 239, 244, 276, 278, 282, 303, 320.
Newcastle, Duke of, Secretary of State, 261.
Newfoundland, 36, 237, 244.
New York, State, 38, 78, 106, 246.
— town, 7, 20, 138.
New Zealand, 233.
Niagara Falls, 98.
— River, 74, 91, 214, 246.
— town, 38, 77, 91, 92, 96, 98.
Nipissing, Lake, 6, 36, 290.
Nootka Sound, 250.
Normanby, Lord, Secretary of State, 163.
Northcote, Sir Stafford, 280.
'North-West angle of Nova Scotia,' 28, 30.
North-West Company of Fur Traders, 79, 80, 249, 250; engage in conflict with Lord Selkirk's colonists, 82-4, 247; amalgamated with Hudson's Bay Company, 252.
North-West Rebellion, 330, 331.
— — Territory, 244, 249, 268, 270, 272, 290, 329, 334, 336, 338.
Nova Scotia, 4, 28, 29, 30, 31, 34, 37, 42, 43, 60, 73, 99, 111, 154-60, 186, 188, 189, 213, 214, 221, 229, 236, 238, 239, 244, 245, 276, 277, 278, 282, 341.

O'Callaghan, Dr., a leader in Canadian Rebellion, 138.
Ogdensburg, Battle of, 92, 95.
Ohio, River, 15, 39, 40.
— State, 39.
Oliphant, Laurence, 210.
Ontario, Lake, 34, 35, 38, 73, 74, 91, 92, 95, 96, 98, 99, 132, 133.
— province of, 36, 244, 267, 271, 276, 278, 286, 288, 289, 298, 310, 315, 317, 318, 319, 321, 331.
Oregon, 250, 253, 283.
Osgoode, Chief Justice, 63.
Oswald, R., negotiations of, 27; agrees to boundary as defined by Treaty of Paris, 36.
Oswegatchie (now Ogdensburg), 38.
Oswego, 38, 96.
Ottawa, River, 2, 339.
— (Bytown), town, 111, 132, 176, 199, 219, 235, 245, 266, 298.
Outard, River, 95.

Pakenham, Mr., British Minister at Washington, 253.
Pakington, Sir John, Secretary of State, 207.
Palmerston, Lord, 193; rejects proposal of American Government for a new survey of Canadian boundary, 32.

Panet, M., Speaker of first Lower Canadian Assembly, 52.
Papineau, L., Speaker of House of Assembly, 108, 119, 120, 140, 173, 178, 201, 216; Lord Dalhousie refuses to sanction his re-election, 110; character of, 116; his party determined to split from Great Britain, 137; his arrest ordered, 138; his escape, 139; sentence on, 146; his return to Canada, 194.
Paris, Treaty of (1763), 4.
— — (1783), 27, 126; allotment of Islands to Great Britain under, 34; fishing rights under, 36; provisions as to recovery of debts under, 37.
Passamaquoddy Bay, 28, 34.
— Islands, 34.
Peace, River, 79.
Pearse, Island, 335.
Peel, Sir Robert, 178.
Pelham, Lord, Secretary of State, 81.
Pembina, 82, 271.
Peninsular War, 88.
Pennsylvania, Charter of, 15.
— province of, 15.
Philadelphia, General Congress at, sends address to inhabitants of Quebec, October 1774, 19.
Philipeaux Island, 35.
Pictou County, 156.
Plattsburg, 95, 98, 99.
Plessis, Bishop of Quebec, receives title of Archbishop, but not officially recognized, 108.
Pohenagamook, Lake, 32.
Point Levis, 21.
Pointe Au Fer, 38.
Polk, American President, 253.
Pontiac, Indian war of (1763–5), 15.
Porcupine, River, 334.
Portage la prairie, 271.
Portland, 247.
— Channel, 334, 335.
— Duke of, Secretary of State, 60.
Port Moody, 295.
Port Sarnia, 176, 214.
Postal and telegraphic communication, 247, 262, 263.
Presbyterian Church, college established by, 135.
Prescott, General, Governor, quarrel with Executive Council by, 62–3.
Preston, Major, defence of St. John's by, 21.
Prevost, Sir George, Governor, 71, 89, 98, 99, 102, 104, 154; his diplomacy, 90; in command at attack on Sackett's Harbour, 92; opposes second attack on Sackett's Harbour, 96; commands expedition against Plattsburg, 99; his responsibility for its failure, 100; vindicated by Duke of Wellington, 100; popular with French Canadians, 100; his departure from Canada and death, 100.
Prince Edward Island (St. John's), 160, 229, 237, 244, 246, 282, 316.
Prince of Wales Island, 333, 334, 335.
Privy Council (British), decisions of, 317, 318, 319, 320, 321.
— — (Canadian) constitution of, 276.
Proclamation of October 7, 1763, 4, 9, 13, 29.
Proctor, Colonel, compels surrender of American force at Frenchtown, 91; fails in attack on Fort Meigs, 91; defeated at Moraviantown, 94; court-martial on and publicly reprimanded, 94.
Protection, question of, 220–2, 302–5, 307.
Puget Sound, 253.

Quebec, Anglican Bishop of, 65.
— province of, 2, 6, 42, 44, 61, 79, 122, 244, 276, 278, 282, 286, 287, 298, 310, 314, 316, 319, 321, 331, 332; its boundaries, 6, 15, 28–33.
— city of, 2, 6, 8, 21, 26, 44, 45, 57, 63, 78, 86, 105, 107, 123, 146, 154, 163, 172, 176, 199,

201, 213, 214, 219, 235, 246, 247, 308; siege of, 22.
Quebec Act (1774), remedied certain religious and legal grievances, 8, 10, 17; Council under, 11, 12; the case for the Act, 12; whole of American West included in Government of Quebec by, 13; new boundary of Quebec fixed by, 15, 35; revoked commissions to judges and other officials, 24; its provisions as to religion re-enacted in the Constitutional Act of 1791, 49.
— Conference, 1864, 230, 232, 233, 237, 239.
Queen's College, Kingston (Presbyterian), 183.
Queenston, 98; battle at, 91, 101.
Qu'Appelle, Fort, 82.
Quinté, Bay of, 38, 43, 73.

Railway development, 213, 214, 235, 237, 238, 240, 247, 272-3, 286-96, 340.
Raisin, River, 91.
Ray, Cape, 36.
Rebellion Losses Bill (1849), 196-8, 200, 215.
Rebellion of 1837, the, 137-44, 200.
Reciprocity Treaty with United States (1854), 210, 246, 278, 279, 300.
— — — proposal for new (1874), 301; (1891), 308; (1911), 346-9.
Red River, 81, 82, 83, 258, 290, 291.
— — Expedition, 272, 298.
— — Settlement, 81-85, 249, 255, 263, 264.
Redistribution Act of 1882, 315.
'Reds,' the, 202.
Reform Bill of 1829, 113; of 1885, 316.
Regina, 330, 338.
Responsible government, first suggestions of, 67; further suggestions of, 119-20; opinion of Gosford Commission on, 121; demand for in Upper Canada, 130; Lord Durham's Report on, 151; movement towards in Maritime Provinces, 157, 159; question of at passing of Union Act, 167, 168; attitude concerning, 174; resolutions of Canadian Parliament regarding, 174-5; triumph of in Maritime Provinces, 186-90; Lord Elgin's views on, 211.
Revenue of Canada in 1799, 63, 65.
Riche, Point, 36.
Richelieu, River, 19, 21, 138, 176.
Richmond, Duke of, Governor, 104, 125; imitates blustering and verbose style of Sir J. Craig, 104; asks Assembly for much increased Civil List, 104; sudden death from hydrophobia, 104.
Rideau Canal, the, 132.
— Lake, 132.
— River, 132.
Riel, Louis, 305; leads half-breeds in resisting transfer of Hudson's Bay Company's territory, 269; attempts to starve out McDougall at Pembina, 271; sets up dictatorship, 271; puts to death Thomas Scott, 271; Red River Expedition sent against, 272; his escape, 272; reward offered for his apprehension, 298; returned as member of Parliament, but expelled, 298; banished for five years, 299; invited by half-breeds to champion their claims, 329-30; defeated and captured, 330; hanged, 331.
Rivière-du-loup, 214, 278.
Road-system of Canada, 122.
Robinson, John Beverley, Attorney-General of Upper Canada, afterwards Chief Justice, 106, 165.
Rocky Mountains, 36, 79, 80, 247, 249, 252, 259, 268, 273, 290, 291, 339.
Roebuck, John, 146, 257.
Rolph, Dr., a leader in Canadian rebellion, 126, 133, 141, 142, 143, 205.
Roman Catholic Church, liberty of doctrines guaranteed by Treaty of Paris, 4; status of, 8; position of under Constitutional Act of 1791, 52-4; question of right of

patronage in, 70; policy of Lord Dalhousie concerning, 107; college established by, 135; its attitude towards rebellion of 1837, 138; supports Lord Elgin's policy of land settlement, 194; its power in Lower Canada, 206; hostile to transfer of Hudson's Bay Company's territory, 268; powers and privileges under education acts in Quebec and Manitoba, 319–24.

Romilly, S., legal opinion of, 81.

Roosevelt, President, 336.

Rosario Straits, 284.

Rosiers, Cape, 6.

Ross, John, Canadian statesman, 215.

Royal Island, 35.

Rupert's Land, 244, 263, 268, 270, 272, 339.

Russell, Lord John, Secretary of State, 163, 176, 188, 221; attitude of regarding responsible government, 157, 167, 168 and *n.*, 186; speech on Australian Government Bill, 204.

— Peter, Acting Governor of Upper Canada, 76.

Ryerson, Egerton, a leading Methodist, 130.

Ryland, George, Secretary to Governor, 69; his mission in England, 70, 71.

Sackett's Harbour, 91, 92, 96, 98.

Saguenay, River, 194.

Salaberry, de, Colonel, commands French Canadians at battle of Chateauguay, 95, 101.

— Colonel (son of above), 271.

Salisbury, Lord, 283, 331.

San Juan, Island, 283.

Sandwich, 89, 91, 94.

Saratoga, 23.

Saskatchewan, district, 256, 258, 266, 338; recent growth of, 346.

— River, 258, 268.

Sault-au-Matelot, 22.

Sault Ste. Marie, 80, 83, 282.

Schuyler, General Philip, 20, 21.

Scoodic, River, 28, 29.

Scott, Thomas, put to death by Reil in Red River Rebellion, 271, 298, 299, 331.

Selkirk, Lord, 258; his colonization scheme, 81; arrival of first settlers of, 81; action of North-West Company towards, 82; destruction of settlement of, 83; his action and visit to site of colony, 83; the case in the law courts, 83; ignores warrant for his arrest, 84; outcome of the contest, 85; his interests acquired by Hudson's Bay Company, 249.

Semple, Governor of Fort Douglas, 83.

Seven Years' War, 80.

Sheaffe, Major-General, 91, 92.

Shebandowa, Lake, 272.

Shelburne, Lord, Secretary of State, 27.

Sherbrooke, Sir John Coape, Governor, 83, 84, 154; continues conciliatory policy of Prevost, 103; resigns at critical time, 104; his attitude on question of Union of Upper and Lower Canada, 106.

Sicotte, Louis, politician, afterwards judge, 224, 225.

Sierra Leone, 77.

Sifton, Clifford, Minister of Interior, 338.

Simcoe, Colonel John Graves, Lieutenant-Governor of Upper Canada, 58; his dispute with Lord Dorchester, 58, 74; a great road-builder, 58, 74; his efforts on behalf of Education, 134.

— Lake, 74, 133.

Simpson, Sir George, Governor of Hudson's Bay Company, 256.

Simpson's River, 80.

Sitklan, Island, 335.

Smith, Chief Justice, his plan for a General Assembly, 48.

— Donald (now Lord Strathcona), 271, 295, 296.

— Goldwin, 306.

Souris, River, 82.

South African War, 342.

Spain, Treaty between United States and (1819), 252.
Stanley, Lord, Secretary of State, 179, 183, 191, 328.
St. Charles, 138, 139.
St. Clair Flats, 282.
— — Lake, 94.
— — River, 176.
St. Croix, River, 28, 29, 30, 31, 32.
St. Denis, 138, 139.
St. Eustache, 139.
Ste. Foy, 22.
St. Francis, Lake, 127.
— — River, 31, 32, 63.
Stikine, River, 334.
St. John, Cape, 36.
— — Lake, 6.
— — River, 6, 30, 31, 32, 278.
St. John's, town of, 19, 20, 22; captured by General Montgomery, 21.
— — Island (Prince Edward Island), 159, 160.
St. Just, Letellier de, Lieutenant-Governor of Quebec, 314, 315.
St. Lawrence Canal, 301.
— — Gulf of, 6.
— — River, 1, 6, 28, 29, 36, 43, 56, 78, 92, 95, 105, 106, 107, 111, 127, 132, 173, 176, 210, 213, 214, 282, 300.
St. Louis, Lake, 95, 127.
St. Maurice, River, 194.
Stoney Creek, battle at, 94.
Stopford, Captain, capitulates at Chambly, 21.
St. Ours, 138.
St. Paul, 271.
St. Peter, Lake, 176, 201.
Strachan, Dr. (Archdeacon, afterwards Bishop), 84, 128, 131, 135, 165, 169, 219.
Strathcona, Lord, 249, 296; remarks on Western development, 339. *See* Smith, Donald.
St. Regis, 36.
Stuart, Scottish lawyer, afterwards Chief Justice, 103.
Sumner, Mr., American statesman, 280.
Superior, Lake, 35, 80, 265, 272, 290, 339.
Swiss Republic, President of, 284.
Sydenham, Lord. *See* Thomson, Charles Poulett.

Taché, Roman Catholic Bishop (afterwards Archbishop), 268, 271, 299, 329.
— Dr. (afterwards Sir) Etienne, Prime Minister, 216, 225, 237.
Tecumseh, Shawnee Chief, 40; killed at Moraviantown, 94.
Temiscouata, Lake, 30.
Thames, River, 94.
Thompson, Sir John, Prime Minister, 321.
Thomson, Charles Poulett (afterwards Lord Sydenham), Governor, 163, 172, 173, 178, 183, 186, 201, 235; summons Special Council, 164; on the situation at passing of Union Act, 166; his opinion on the question of responsible government, 168; his activity, 169; difficulties in way of, 170; passes measure of local government, 171; resolutions drafted by regarding responsible government, 174-5; his confidence, 176; death of, 177.
Thornton, Sir Edward, minister at Washington, 280, 300, 318.
Thorpe, Thomas, Upper Canadian judge, 77.
Three Rivers, district, 44, 122.
— — town, 2, 52, 107.
Thunder Bay, 272.
Ticonderoga, 19, 20, 22, 23, 24.
Tilley, S. L., New Brunswick statesman, 238, 276, 304.
Tongas Channel, 335.
Toronto (York), 7, 475, 134, 142, 143, 165, 176, 199, 214, 219, 235, 286.
Treaties—
  Alaska Boundary Commission (1903), 334-6.
  Anglo-French Agreement (1904), 36.
  Ashburton (1842), 32, 252.
  Convention with U.S. (1818), 249, 252, 278, 279, 282.
  — — (1827), 252, 253.

Treaties (*cont.*)—
  Easton (1758), 15.
  Jay's (1794), 28.
  Ghent (1814), 30, 100.
  Paris (1763), 4, 159.
  — (1783), 27–30, 34–6, 126.
  Reciprocity Treaty with United States (1854), 210, 246. 278, 279, 300, 308.
  Spain, with United States (1819), 252.
  Washington (1846), 253.
  — (1871), 279–85, 301, 334.
Trent, River, 43.
Trent, the, 223.
Trenton, Battle of, 23.
Trinity University (Anglican), 219.
Truro, 278.
Tupper, Dr. (afterwards Sir) Charles, Prime Minister, 229, 238, 276, 293, 295, 322, 323.
Turton, Thomas, member of Lord Durham's staff, 146.
Two Mountains, county of the, 139.

Union Act (1840), 163–84.
Union of Upper and Lower Canada, question of, 106, 107, 112; union as against confederation, 152; Union Act of 1840, 163–84; number of representatives in united Legislature, 165; conditions of, 166; acceptance of conditions, 167; Act of Union passed by Imperial Parliament, 170; first Ministry under Union, 171.
United Empire Loyalists, 73, 78, 86, 134, 340.
United States, 2, 137, 195, 233, 236, 266, 268, 270, 278, 302, 304, 311, 318, 321, 339, 341, 342; boundary questions between Canada and, 27–36; fishing rights of under Treaty of Paris, 36; provisions as to recovery of debts under Treaty of 1783, 37; emigration of loyalists from, 37; fails to fulfil obligations towards American loyalists, 38; war between Indians and, 39, 40; prospects of war between Great Britain and, 65, 66, 71; war with in 1812, 71; emigrants from, 75; danger to Canada of emigrants from, 77; causes and issue of the war with Great Britain, 87; invasion of Canada by, 89, 91; troops of surrender at Detroit, 90; Prevost arranges armistice with, 90; naval power of on Lakes, 91, 92, 94, 98; defeat of at Queenston, 91; invade Canada for third time, 91; battles with at Frenchtown, Fort Meigs, Ogdensburg, Sackett's Harbour, Stoney Creek, Lake Erie, Moraviantown, Chrystler's Farm, River Chateauguay, Fort Niagara, Fort Erie, Chippawa, Lundy's Lane, and Plattsburg, 91–100; Treaty of Ghent with, 100; character of war with, 100; filibusters from burn Canadian steamer and make raids on Upper Canada, 149; fear of war with over Oregon boundary question, 191; suggestions of annexation to, 196, 199, 276; Reciprocity Treaty with Canada, 210; imminence of war with over affair of *Trent*, 223; would have absorbed Upper Canada but for Confederation, 236; American and Australian Constitutions compared with Canadian, 241; refuses to renew Reciprocity Treaty, 246; Fenian raid from, 246; dispute with in regard to Oregon territory, 250, 252–4; possibility of purchasing Hudson's Bay Company's territory, 267; purchases Alaska from Russia, 267; fisheries question dispute, 279, 282–3; Washington Joint High Commission, 279–85; refuses to indemnify Canada for Fenian raid, 279–80; fisheries arbitration under Washington Treaty, 283; dispute over San Juan Island, 283–5; refuses to accept new Reciprocity Treaty, 301; movement for commercial union with.

306-8; probable political results of commercial union with, 309; Mr. E. Blake on commercial union with, 311; McKinley tariff of, 312; dispute with over Alaska boundary, 333-6; emigration from into Canada, 339-40.
Upper Canada Academy (Victoria College) established, 135.
Upper Canada Municipalities' Fund, 209.
Vancouver, explorer, 250.
— Fort, 252.
— Island, 253, 254-6, 259, 260, 261, 283-5, 292.
Venezuela Boundary Convention, 334.
Victoria, Queen, 160, 191, 219, 329.
— College (Upper Canada Academy) established (Methodist), 135, 183.
Viger, D. B., Lower Canadian statesman, 182.
Vincennes, 35.
Wabash, River, 35.
Wakefield, Gibbon, 146, 150, 151.
Walker, T., disputes fermented by, 7.
War, efforts of Canada in the Great, 351-3.
Washington, George, cautious attitude of towards Canadians, 20.
— city, 149, 336.
— Joint High Commission, 279-85, 301, 312.
— State, 250.
— Treaty (1846), 253.
— — (1871), 279-85, 301, 334.
Watkin, Edward (afterward Sir), railway promoter, 263, 264.
Watson, Lord, 243.
Wayne, General, commands American forces in Indian war of 1794, 40.
Webster, Daniel, American Secretary of State, 32.
Weir, Lieutenant, murder of, 139.
Welland Canal, the, 132, 148, 176, 301.
Wellington, Duke of, 125, 182; on Prevost's failure, 100, 101; on Lord Durham, 147; objections of to union, 170 *n*.
West Durham, 336.
West Indies, 300.
Wilkinson, American General, 95.
Willamette Valley, 253.
William IV, 122; his opposition to elective Legislative Council, 119.
William, Fort, 83.
William Henry (Sorel), 52.
Willis, Judge, 127.
— Lady Mary, 127.
Willison, Mr., author, 292, 303, 330.
Wilmott, Lemuel Allan, New Brunswick statesman, 159, 189.
Wiman, Erastus, Canadian advocate of union with States, 307.
Windsor, 214.
Winnipeg (Fort Garry), 264, 291, 338, 339.
— Lake, 81, 268, 339.
Wisconsin, 336.
Wolfe, General, 61, 111.
Wolseley, Colonel (now Lord), commands Red River Expedition, 272.
Woods, Lake of the, 35, 36, 268, 318.
Wooster, General, succeeds Montgomery in command of American forces, 22; retires from siege of Quebec, 22.

X. Y. Company, the, 81.

Yale, 295.
Yellowhead Pass, 291.
Yeo, James, British Commodore, 92, 94, 96.
York (Toronto), 75, 85, 92.
— Duke of, Commander-in-Chief, 94, 159.
York Factory, 81.
Yorktown, 27.
Young, Sir John (afterwards Lord Lisgar), Governor-General, 278, 328.
Yukon, 334.

F
5054
E35
1923
cop.6

Egerton, Hugh Edward
Canada. Part II 3d ed.

PLEASE DO NOT REMOVE
CARDS OR SLIPS FROM THIS POCKET

UNIVERSITY OF TORONTO LIBRARY

UTL AT DOWNSVIEW
D RANGE BAY SHLF POS ITEM C
39 15 03 03 06 016 2